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AN EXACT COLLECTION

Of all Remonstrances, Declarations,
Votes, Orders, Ordinances, Procla-
mations, Petitions, Messages, Answers, and other
Remarkable Passages betweene the KINGS
most Excellent Majesty, and his High Court
of Parliament beginning at his Majesties
return from SCOTLAND, being in
December 1641, and continued untill
March the 21, 1643.

WHICH

Were formerly published either by the KINGS
Majesties Command or by Order from one
or both Houses of PARLIAMENT.

With a Table wherein is most exactly digested all the
fore-mentioned things according to their severall
Dates and Dependancies.



LONDON,

Printed for Edward Husbands, T. Warren, R. Beſſ, and are to be
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White Horſe in Pauls Churchyard, 1643.





His Majesties Speech, to both Houses of Par-
liament, Decemb. 2, 1641.

My Lords and Gentlemen,

Think it fit, after so long absence, at this first occasion, to speak a few words unto you, but it is no ways in Answer to Master Speakers learned Speech: Albeit I have staid longer then I expected to have done, when I went away, yet in this I have kept my promise with you, that I have made all the haste back again; that the settling of my *Scotch* Affaires could any ways permit, in which I have had so good successe, that I will confidently affirme to you, that I have left that Nation a most peaceable and contented People; so that although I have a little misreckoned in time, yet I was not deceived in my end.

But if I have deceived your expectations a little in the time of my return, yet I am assured that my expectation is as much and more deceived in the condition wherein I hoped to have found businesses at my return. For since that before my going I settled the Liberties of my Subjects, and gave the Laws a free and orderly course, I expected to have found my People reaping the fruits of these benefits, by living in quietnesse, and satisfaction of minde: But in stead of this, I finde them disturbed with Jealousies, Frights, and Alarms of dangerous Designs and Plots; in consequence of which, Guards have bin set to defend both Houses: I say not this as in doubt that my Subjects affections are any way lessened to me in this time of my absence, for I cannot but remember, to my great comfort, the joyfull reception I had now at my entry into *London*, but rather as I hope that my presence will easily disperse these fears. For I bring as perfect and true affections to my people as ever Prince did, or as good Subjects can possibly desire. And I am so far from repenting me of any Act I have done this Session for the good of my people, that I protest, if it were to do again I would do it, and will yet grant what else can be justly desired for satisfaction in point of Liberties, or in maintenance of the true Religion that is here established.

Now I have but one particular to recommend unto you at this time, It is *Ireland*, for which though I doubt not your care, yet me thinks the preparations for it go but slowly on. The occasion is the fitter for me now to mention it, be-

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cause of the Arrivall of two Lords from *Scotland*, who come instructed from my Councell there (who now by Act of Parliament have full power for that purpose) to answer that Demand which it pleased both Houses to make mee by way of Petition, that met me at *Barwick*, and which the Duke of *Richmont* sent back by my command to my *Scotch-Council*: Therefore my desire is, That both Houses would appoint a select Committee, to end this businesse with these Noblemen. I must conclude in telling you, that I seek my peoples happinesse, for their flourishing is my greatest glory, and their affections my greatest strength.

F I N I S.

By the King.

A Proclamation for obedience to the Lawes ordained for establisshing of the true Religion in this Kingdom of England.

His Maestie considering that it is a dutie most becoming, and that most obligeth Sovereign Authoritie in a Christian King, to be careful (abovē all other things) of preserving and advancing the Honour and Service of Almighty God, and the Peace and Tranquillitie of the Church, to which end His Maestie with His Parliament hath it under consideration, how all iust scruples might be removed, And being in the mean time sensible that the present division, separation and disorder about the Worship and Service of God, as it is established by the Lawes and Statutes of this Kingdom, in the Church of England, tendeth to great distraction and confusion, and may endanger the subversion of the very essence and substance of true Religion; With resolved for the preservation of Unitie and Peace (which is most necessary at this time for the Church of England) to require Obedience to the Lawes and Statutes ordained for establisshing of the true Religion in this Kingdom, whereby the Honour of God may be advanced to the great comfort and happinesse both of his Maestie and His good Subjects.

His Maestie doth therefore charge and command, That Divine Service be performed in this His Kingdom of England, and Dominion of Wales, as is appointed by the Lawes, and Statutes established in this Realm, and that obedience be given by all His Subjects Ecclesiasticall, and Tempozall to the said Lawes, and Statutes concerning the same. And that all Judges, Officers, and ministers Ecclesiasticall, and Tempozall ac-

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roding to Justice, and their respective duties, do put the said Acts of Parliament in due execution against all willfull Contemners, and Disturbers of Divine Service, contrary to the said Laws, and Statutes.

His Majestie doth further command, That no Parsons, Vicars, or Curates in their severall Parishes shall presume to introduce any Rite, or Ceremonies other then those which are established by the Laws, and Statutes of the Land.

Given at His Majesties Palace of White-hall, the tenth day of December, in the seventeenth year of his Majesties Reign.

God save the King.

By the King.

A Proclamation for the attendance of the Members in both Houses in Parliament.

His most Excellent Majestie having summoned this present Parliament, in His princely care of the good and welfare of His loving Subjects; In the continuance of the same care doth with advice of His Privie Councell, by this His Royall Proclamation declare His Royall Will and Pleasure to be; That all the Members of both Houses of Parliament doe repair to the Parliament at Westminster, at, or before the twelfth of January next, and give their due, and diligent attendance in Parliament: To the end that this Kingdom may fully enjoy the benefit, and happinesse which His Majestie intendeth unto them by Summoning, and continuing of this Parliament: And of this His Majesties Will and Command they are to take notice by this His Proclamation, and to give a full observance thereunto, upon such pains, and penalties as by Law, and Justice may be inflicted upon them.

Given at his Majesties Palace of Whitehall, the twelfth day of December, in the seventeenth year of His Majesties Reign.

God save the King.

His Majesties Speech delivered to both Houses in Parliament, the fourteenth of December, 1641.

My Lords and Gentlemen,

THe last time that I was in this place, and the last thing that I recommended unto you, was the businesse of *Ireland*, whereby I was in good hope that I should not have need again to have put you in minde of that businesse; But still
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seeing the slow proceedings therein, and the daily Dispatches that I have out of *Ireland* of the lamentable estate of my Protestant Subjects there, I cannot but again earnestly recommend the dispatch of that Expedition unto you, for it is the chiefe Business that at this time I take to heart, and there cannot (almost) be any business that I can have more care of. I might now take up some of your time in expressing my detestation of Rebellions in generall, and of this in particular; But knowing that Deeds and not Declarations must suppress this great Insolency, I do here in a word offer you whatsoever my power, pains, or industry can contribute to this good and necessary work of reducing the Irish Nation to their true and wonted obedience.

And that nothing may be omitted on my part, I must here take notice of the Bill for pressing of Souldiers now depending among you my Lords, concerning which I here declare, That in case it come so to Me, as it may not infringe or diminish my Prerogative, I will passe it: And further seeing there is a dispute raised (I being little beholding to him whosoever at this time began it) concerning the bounds of this ancient and undoubted Prerogative, to avoid further debate at this time, I offer, that the Bill may passe with a *Salvo jure*, both for King and People, leaving such debates to a time that may better bear it. If this be not accepted, the fault is not mine that this Bill passe not; but those that refuse so fair an offer.

To conclude, I conjure you by all that is, or can be deare to you or me, that, laying away all Disputes, you goe on cheerfully and speedily for the reducing of *Ireland*.

To the Kings most Excellent Majestie.

The humble Petition of the Lords and Commons in
Parliament, concerning his Majesties Speech
of the 14 of December, 1641.

Most Gracious Sovereigne.

Your Majesties most humble and loyall Subjects the Lords and Commons in Parliament, doe with all faithfulnessse and zeale to your Majesties Service, acknowledge your Royal favour & protection to be a great blessing & security to them for the enjoying & preserving of all those publick & private Liberties & Priviledges which belong unto them; and whensoever any of those Liberties or Priviledges shall be invaded or broken, they hold themselves bound with

with humility and confidence to resort to your Princely Justice for redresse and satisfaction. And because the Rights and Priviledges of Parliament are the Birth-right and Inheritance not only of themselves, but of the whole Kingdom, wherein every one of your Subjects is interessed. The maintenance and preservation whereof doth very highly conduce to the publick peace and prosperity of your Majesty and all your people; they conceive themselves more especially obliged with all humbleness and care, yea, with all earnestness and constancy of resolution, and endeavour to maintain and defend the same. Amongst other the Priviledges of Parliament; They do with all dutifull reverence to your most Excellent Majesty declare that it is their ancient and undoubted Right; That your Majesty ought not to take notice of any matter in agitation and debate in either Houses of Parliament, but by their information and agreement; and that your Majesty ought not to propound any Condition, Provision, or Limitation to any Bill or Act in debate or preparation in either Houses of Parliament; or to manifest or declare your consent or dislike, approbation or dislike of the same, before it be presented to your Majesty in due course of Parliament: and that every particular Member of either House hath free libertie of speech to propound or debate any matter according to the order and course of Parliament: and that your Majesty ought not to conceive displeasure against any man for such opinions and propositions as shall be delivered in such debate, it belonging to the severall Houses of Parliament respectively to judge and determine such errors and offences in words or actions as shall be committed by any their Members in the handling or debating any matters depending.

They doe further declare that all the Priviledges above-mentioned have been lately broken to the great sorrow and grievance of your most humble and faithfull Subjects in that Speech which your Majesty made in Parliament to both Houses upon Tuesday last the fourteenth of this present month of *December*, in that your Majesty did therein take notice of a Bill for impressing of Soldiers being in agitation in the said Houses, and not agreed upon; and that your Majesty did therein offer a *Salvo jure*, or provisionall Clause to be added to that Bill before it was presented to your Majesty by the consent of both Houses, and did at the same time declare your displeasure against such persons as had moved some doubt or question concerning the same Bill. All which they doe affirm and declare to be against the ancient, lawfull and undoubted Priviledges and Liberties of Parliament.

And therefore they most humbly beseech your Majesty, by your Royall Power and Authority, to mayntain and protect them in these and all other the Priviledges of your high Court of Parliament, that you will not for the time

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to come break or interrupt the same. And that none of your loyall Subjects may suffer or sustain any prejudice in your Majesties favour or good opinion for any thing done or spoken in Parliament. And for the reparation of your loyall Subjects in this their just grievance and complaint, for the breaches of their Priviledges above-mentioned, and prevention of the like, for the time to come. That your Majesty will be pleased to declare and make known the name or names of the person or persons, by whose mis-formation and evill counsell your Majesty was induced to the same, that so hee or they may receive such condigne punishment, as shall appertain to justice in that behalfe. And this they most humbly desire, and as your greatest and most faithfull Councell shall advise your Majesty to perform, as that which will be not only a comfort to themselves, but likewise a great advantage to your Majesty, by procuring and confirming such a confidence and unity betwixt your Majesty and your People, as may be a foundation of Honour, safety and happinesse to your Person and Throne, as they stand bound always to pray for, and endeavour.

The Petition of the House of Commons, which accompanied the Declaration of the State of the Kingdom, when it was presented to his Majesty at Hampton Court.

Most Gracious Sovereigne,

YOur Majesties most humble and faithfull Subjects the Commoners in this present Parliament assembled, do with much thankfulnesse and joy, acknowledge the great mercy and favour of God, in giving your Majesty a safe and peaceable return out of *Scotland* into your Kingdom of *England*, where the pressing dangers and distempers of the State have caused us with much earnestnesse to desire the comfort of your gracious presence, and likewise the Limitie and Justice of your Royall Authority to give more life and power to the dutifull and loyall Counsels, and endeavours of your Parliament, for the prevention of that eminent ruine and destruction wherein your Kingdoms of *England* and *Scotland* are threatned. The duty which we owe to your Majesty and our Country, cannot but make us very sensible and apprehensive, that the multiplicity, sharpnesse, and malignity of those evils under which we have now many yeeres suffered, are fomented and cherished by a corrupt and ill-affected party, who amongst other their mischievous devices for the alteration of Religion

gion and Government, have sought by many false scandals and imputations cunningly insinuated, and dispersed amongst the people, to blemish and disgrace our proceedings in this Parliament, and to get themselves a party and faction amongst your Subjects, for the better strengthening of themselves in their wicked courses, and hindering those provisions, and Remedies which might by the wisdom of your Majesty, and Counsell of your Parliament be opposed against them.

For preventing whereof, and the better information of your Majesty, your Peers, and all other your loyall Subjects, wee have been necessitated to make a Declaration of the state of the Kingdom, both before and since the Assembly of this Parliament unto this time, which we do humbly present to your Majesty without the least intention to lay any blemish upon your Royall Person, but only to represent how your Royall Authority and trust have been abused, to the great prejudice and danger of your Majesty, and of all your good Subjects.

And because wee have reason to believe that those malignant parties whose proceedings evidently appear to be, mainly for the advantage and encrease of Popery, is composed, set up, and acted by the subtil practice of the Jesuits, and other Engineers and Factors for *Rome*, and to the great danger of this Kingdom, and most grievous affliction of your loyall Subjects, have so far prevailed, as to corrupt divers of your Bishops, and others in prime places of the Church, and also to bring divers of these instruments to be of your Privy Counsell, and other employments of trust and neernesse about your Majestie, the Prince, and the rest of your Royall children.

And by this means hath had such an operation in your Counsell, and the most important affaires and proceedings of your Government, that a most dangerous division and chargeable preparation for war betwixt your Kingdoms of *England* and *Scotland* the increase of Jealousies betwixt your Majesty and your most obedient Subjects, the violent distraction and interruption of this Parliament, the insurrection of the Papists in your Kingdom of *Ireland*, and bloody Massacre of your people, have been not only endeavoured and attempted, but in a great measure compassed and effected.

For preventing the final accomplishment whereof, your poor Subjects are enforced to engage their persons and estates to the maintaining of a very expencefull and dangerous War, notwithstanding they have already since the beginning of this Parliament undergone the charge of 150000 pounds sterling or thereabouts. For the necessary support and supply of your Majesty in these present and perillous Designs. And because all our most faithfull endeavours, and engagements will be ineffectuall for the peace, safety, and preservation of your Majesty and your people, if some present, reall and effectuall course be not taken for suppressing this wicked and malignant party,

We your most humble and obedient Subjects doe with all faithfulness and humility beseech your Majesty,

1 **T**hat you will be graciously pleased to concur with the humble desires of your people in a Parliamentary way, for the preserving the peace and safety of the Kingdome from the malicious Designs of the Popish party.

For depriving the Bishops of their Votes in Parliament, and abridging their immoderate power usurped over the Clergy, and other your good Subjects, which they have most perniciously abused to the hazard of Religion, and great prejudice and oppression of the Laws of the Kingdom, and just liberty of your people.

For the taking away such oppressions in Religion, Church-government, and Discipline, as have been brought in and fomented by them.

For uniting all such your loyall Subjects together, as joyn in the same fundamentall truths against the Papists, by removing some oppressions and unnecessary Ceremonies, by which divers weak consciences have beene scrupled, and seeme to be divided from the rest, for the due execution of those good Lawes which have been made for securing the liberty of your Subjects.

2 That your Majesty will likewise be pleased to remove from your Counsell all such as persist to favour, and promote any of those pressures and corruptions wherewith your people have been griev'd, and that for the future your Majesty will vouchsafe to imploy such persons in your great and publick Affairs, and to take such to be neer you in places of trust, as your Parliament may have cause to confide in, that in your Princely goodnesse to your people, you will reject and refuse all mediation and solicitation to the contrary, how powerfull and neer soever.

3 That you will be pleased to forbear to alienate any of the forfeited and escheated Lands in *Ireland* which shall accrue to your Crown, by reason of this Rebellion, that out of them the Crown may be the better supported, and some satisfaction made to your Subjects of this Kingdom, for the great expences they are like to undergo this War.

Which humble desires of ours being graciously fulfilled by your Majesty, we will by the blessing and favour of God most cheerfully undergo the hazard and expences of this War and apply our selves to such other courses and counsels as may support your Royall estate with honour and plenty at home, with power and reputation abroad, and by our loyall affections, obedience, and service, lay a sure and lasting foundation of the greatnesse and prosperity of your Majesty, and your Royall posterity in future times.

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A Remonstrance of the State of the Kingdom.

Die Mercurii, 15 Decemb. 1642.



The Commons in this present Parliament assembled, having with much earnestnesse, and faithfulnessse of affection, and zeal to the publike good of this Kingdom, and His Majesties honour and service, for the space of twelve moneths, wraſtled with the great dangers and fears, the pressing miseries and calamities, the various distempers and disorders, which had not only assaulted, but even overwhelmed & extinguisht the liberty, peace, and prosperity of this Kingdom, the comfort and hopes of all His Majesties good Subjects, and exceedingly weakned and undermined the foundation, and strength of his own Royall Throne; Do yet finde an abounding Malignity, and opposition in those parties, and factions, who have been the cause of those evils, and do still labour to cast aspersions, upon that which hath bin done, and to raise many difficulties for the hinderance of that which remainys yet undone, and to foment Jealousies betwixt the King, & the Parlaient; That so they may deprive him, & his people, of the fruit of his own gracious Intentions, & their humble desires of procuring the publike peace, safety, and happinesse of this Realme. For the preventing of those miserable effects, which such malicious Endeavours may prodnce, We have thought good to declare,

- 1 *The Root, and the growth of these mischievous designs.*
- 2 *The Maturity and Ripenesse, to which they have attained before the beginning of the Parliament.*
- 3 *The effectuall means which hath been used for the extirpations of those dangerous evils, and the Progresse which hath therein been made by His Majesties goodnesse, and the Wisdom of the Parliament.*
- 4 *The ways of obstruction, and opposition, by which that Progresse hath been interrupted.*
- 5 *The courses to be taken for the removing those Obstacles, and for the accomplishing of our most dutifull, and faithfull intentions, and endeavours, of restoring and establishing the Ancient Honour, Greatnesse, and Security of this Crowne and Nation. The Root of all this mischief, We find to be a malignant, and pernicious*

designe, of subverting the Fundamentall *Laws*, and Principles of Government; upon which the Religion, and Justice of this Kingdom, are firmly establishd. The *Authors* and Promoters hereof have been.

1 The Jesuited Papists who hate the *Laws*, as the Obstacles of that change, and Subversion of Religion, which they so much long for.

2 The Bishops, and the corrupt part of the Clergie. who cherish formality, and superstition, as the naturall effects, and more probable supports of their own Ecclesiasticall Tyranny, and Usurpation.

3 Such Councillors. and Courtiers as for private ends have engaged themselves, to further the interests of some forraigne Princes; or State: to the prejudice of His Majesty, and the State at home.

The common Principles, by which they moulded and governed all their particular Counsels and Actions were these.

First, To maintain continuall differences, and discontents betwixt the King, and the People, upon Questions of Prerogative and Liberty, that so they might have the advantage of siding with him, and under the notions of men addicted to his service, gain to themselves and their parties, the places of greatest trust and power in the Kingdom.

A second, To suppress the purity and power of Religion, and such as were best affected to it; as being contrary to their own ends, and the greatest impediment to that change, which they thought to introduce.

A third, To conjoin those parties of the Kingdome, which were most propitious to their own ends, and to divide those who were most opposite, which consisted in many particular Observations; to cherish the Arminian part in those points, wherein they agree with the Papists, to multiply and enlarge the difference between the common Protestants, and those whom they call Puritans, to introduce and countenance such opinions and Ceremonies, as are fittest for accommodation with Popery, to encrease and maintain ignorance, loosenesse, and prophanenesse in the people: That of those three parties, Papists, Arminians, and Libertines, they might compose a body fit to act such Counsels and resolutions, as were most conducive to their own ends.

A fourth, To disaffect the King to Parliaments by slanders, and false imputations, and by putting him upon other ways of supply, which in shew and appearance were fuller of advantage, then the ordinary course of Subsidies, though in truth they brought more losse then gain, both to the King and People, and have caused the distractions, under which we both suffer.

As in all compounded bodies, the Operations are qualified according to the predominant Element; So in this mixt party, the Jesuited Counsels being most active.

active, and prevailing, may easily be discovered to have had the greatest sway in all their determinations, and if they be not prevented, are likely to devour the rest, or to turn them into their own nature.

In the beginning of His Majesties Reign, the party begun to revive and flourish again having been somewhat damp't by the breach with *Spain* in the last yeer of King *James*, and by his Majesties Marriage with *France*; the interests and Counsels of that State, being not so contrary to the good of Religion, and the prosperity of this Kingdome, as those of *Spain*; and the Papists of *England* having been ever more addicted to *Spain*, then *France*; yet they still retained a purpose, and resolution to weaken the Protestant parties in all parts, and even in *France*, whereby to make way for the change of Religion, which they intended at home.

The first effect and evidence of their recovery and strength was the dissolution of the Parliament at *Oxford*, after there had been given two Subsidies to His Majesty; and before they received relief in any one Grievance, many other more miserable effects followed.

The losse of the *Rochel* Fleet, by the help of our Shipping, set forth and delivered over to the *French*, in opposition to the advice of Parliament, which left that Town without defence by Sea, and made way not only to the losse of that important place, but likewise to the losse of all the strength and security of the Protestant Religion in *France*.

The diverting of His Majesties course of wars from the *West-Indies*, which was the most facile and hopefull way for this Kingdome to prevaile against the Spaniard, to an expencefull and succeffelesse attempt upon *Cales*, which was so ordered, as if it had rather been intended to make us weary of Warre, then to prosper in it.

The precipitate breach which *France* by taking their Ships to a great value, without making recompence to the English, whose goods were thereupon imbar'd, and confiscate in that Kingdome.

The Peace with *Spain* without consent of Parliament, contrary to the promise of King *James* to both Houses; whereby the *Palatine* Cause was deserted, and left to chargeable and hopelesse Treaties, which, for the most part, were managed by those, who might justly be suspected to be no Friends to that Cause.

The charging of the Kingdom with Billited Souldiers in all parts of it, and that Concomitant designe of Germane Horse, that the Land might either submit with fear, or be enforced with rigour to such Arbitrary Contributions, as should be required of them.

The dissolving of the Parliament in the second yeer of His Majesties Raigh, after a Declaration of their intent, to grant five Subsidies.

The exacting of the like proportion of five Subsidies after the Parliament dissolved, by Commission of Loan; and divers Gentlemen and others imprisoned

for not yielding to pay that Loan, whereby many of them contracted such sicknesses, as cost them their lives. Great summes of Money required, and raised by Privy Seals. An unjust and pernicious attempt to extort great payments from the Subject, by way of Excise; and a Commission issued under Seale to that purpose. The Petition of Right, which was granted in full Parliament, blasted with an illegall Declaration, to make it destructive to it selfe, to the power of Parliament, to the Liberty of the Subject. and to that purpose Printed with it; and the Petition made of no use, but to shew the bold and presumptuous injustice of such Ministers as durst break the Laws, and suppress the Liberties of the Kingdom, after they had bin so solemnly and evidently declared.

Another Parliament dissolved, 4 *Car.* the Priviledge of Parliament broken, by imprisoning divers Members of the House, detaining them close Prisoners for many moneths together, without the liberty of using Books, Pen, Inke, or Paper denying them all the comforts of life, all means of preservation of health, not permitting their wives to come to them, even in time of their sickness. And for the compleating of that cruelty, after yeers spent in such miserable duration, depriving them of the necessary means of Spirituall consolation, not suffering them to goe abroad to enjoy Gods Ordinances in Gods House, or Gods Ministers to come to them, to administer comfort unto them in their private Chambers: and to keep them still in this oppressed condition, not admitting them to be bailed according to Law, yet vexing them with Informations in inferiour Courts, sentencing and fining some of them for matters done in Parliament, and extorting the payments of those Fines from them, enforcing others to put in security of good behaviour, before they could be released.

The imprisonment of the rest which refused to be bound, still continued; which might have been perpetuall, if necessity had not, the last yeer, brought another Parliament to relieve them; of whom one died by the cruelty and harshness of his imprisonment, which would admit of no relaxation, notwithstanding the imminent danger of his life, did sufficiently appeare by the declaration of his Physician; And his release, or at least, his refreshment, was sought by many humble Petitions. And his blood still cries either for vengeance, or repentance of those Ministers of State, who are at once obstructed the course, both of his Majesties Justice and Mercy.

Upon the dissolution of both these Parliaments, untrue and scandalous Declarations published, to asperse their proceedings, and some of their Members, unjustly to make them odious, and colour the violence which was used against them. Proclamations set out to the same purpose; and to the great dejecting of the hearts of the people, forbidding them, even to speak of Parliaments.

After the breach of the Parliament in the fourth yeer of His Majesty, Injustice, Oppression, and Violence, broke in upon us, without any restraint or moderation; and yet the first project, was the great summes exacted thorow the whole

whole Kingdom, for default of Knighthood, which seemed to have some colour and shadow of a Law; yet if it be rightly examined by that obsolete Law which was pretended for it, it would be found to be against all the rules of Justice, both in respect of the persons charged the proportion of the Fines demanded, and the absurd and unreasonable manner of their proceedings. Tonnage and Poundage hath been received without colour or pretence of Law: many other heavy impositions continued against Law; and some so unreasonable, that the summe of the charge, exceeds the value of the Goods. The Booke of Rates lately inhanfed to a high proportion; and such Merchants as would not submit to their illegall and unreasonable payments, were vexed and oppressed above measure; and the ordinary course of Justice, the common Birth-right of the Subject of *England*, wholly obstrusted unto them. And although all this was taken upon pretence of guarding the Sea, yet a new and unheard of Tax of Ship-money was devised, upon the same pretence. By both which, there was charged upon the Subject neer 700000 pounds some yeeres; and yet the Merchants have beene left so naked to the violence of Turkish Pyrats that many great Ships of value, and thousands of His Majesties Subjects have bin taken by them, and do still remayn in miserable slavery.

The enlargement of Forrests, contrary to *Charta de Foresta*, and the composition thereupon. The exactions of Coat and Conduet Money, and divers other Military charges. The taking away the Arms of the Trained Bands of divers Counties. The desperate desigoe of engrossing all the Gun-powder into one hand, keeping it in the Tower of *London*, and setting so high a Rate upon it, that the poorer sort were not able to buy it, nor could any have it without License; thereby to leave the severall parts of the Kingdome destitute of their necessary defence; & by selling so dear that which was sold to make an unlawfull advantage of it, to the great charge and detriment of the Subject, the generall destruction of the Kings Timber, especially that in the Forrest of *Deer*, sold to Papists, which was the best Store-house of this Kingdom, for the mayntenance of our Shipping. The taking away of mens right, under colour of the Kings title to Land between high and low water-marks. The Monopolies of Soape, Salt, Wine, Leather, Sea-coal, and in a manner, of all things of most common and necessary use. The restraint of the Liberties of the Subjects in their habitation, Trades, and other Interest. Their vexation and oppression by Purveyors, Clerks of the Market, and Salt-Peter-men. The sale of pretended Nuzances, as Buildings in and about *London*, conversion of Arable into Pasture, continuance of Pasture, under the name of depopulation, have drawn many Millions out of the Subjects Purfes, without any considerable profit to his Majesty. Large quantities of Common, and severall Grounds, have been taken from the Subject, by colour of the Statute of Improvement, and by abuse of the Commission of Sewers, without their consent, and against it. And not only private
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Interest, but also publike faith have bin broken, in seizing of the mony and Bullion in the Mint; and the whole Kingdom like to be robb'd at once, in that abominable project of Brasse Money. Great numbers of his Majesties Subjects, for refusing those unlawfull charges, have beene vext with long and expensive suits; some fined and censured, others committed to long and hard imprisonment and confinements, to the losse of health of many, of life in some; and others have had their houses broken up, their goods seized, some have beene restrained from their lawfull Callings: Ships have been interrupted in their Voyages, surprized at Sea in an Hostile manner by Projectors, as by a common Enemy: Merchants prohibited to unlade their goods in such Ports, as were for their own advantage, and forced to bring them to those places, which were most for the advantages of the Monopolizers and Projectors. The Court of Star-chamber hath abounded in extravagant censures, not only for the mayntenance and improvement of Monopolies, and other unlawfull taxes; but for divers other Causes, where there hath been no offence, or very small; whereby his Majesties Subjects have beene oppressed by grievous Fines, Imprisonments, Stigmatizings, Mutilations, Whippings, Pillories, Gags, Confinements, Banishments; after so rigid a manner, as hath not only deprived men of the society of their friends, exercise of their professions, comfort of Books, use of Paper or Ink, but even violated that neer Union, which God hath establisht betwixt Men and their Wives, by forced and constrained separation; whereby they have bin bereaved of the comfort & conversation one of another, for many yeers together without hope of relief; if God had not by his over-ruling Providence, given some interruption to the prevailing power, and Counsell of those who were the Authors and Promoters of such peremptory and heady courses.

Judges have bin put out of their places, for refusing to do against their Oaths, and Consciences: Others have bin so awed, that they durst not do their duties, and the better to hold a rod over them, the Clause *quam diu se bene gesserit* was left out of their Patents, and a new Clause *Durante bene placito* inserted. Lawyers have been checkt, for being faithfull to their Clients; Solicitors and Attorneys have bin threatened, and some punished for following lawfull Suits; And, by this means all the approaches to Justice were interrupted and forecluded. New Oaths have bin forced upon the Subject against Law; new Judicatories erected without Law: The Councell Table have, by their Orders, offered to bind the Subjects in their Free-holds, Estates, Suits, and Actions. The pretended Court of the Earl Marshall was Arbitrary, and Illegall in its being, and proceedings. The Chancery, Exchequer-chamber, Court of Wards, and other English Courts have bin grievous in exceeding their Jurisdiction. The estate of many Families weakened; and some ruined by excessive Fines, exacted from them for Compositions of Wardships. All Leases of above a hundred yeeres, made to draw on Wardship contrary to Law. Unlawfull proceedings used in the finding

finding of Offices, to make the Jury finde for the King. The Common-law Courts, seeing all Men more inclined to seek Justice there, where it may be fitted to their own desire, are known frequently to forsake the Rules of the Common-law, and straining beyond their bounds, under pretence of equity to doe Injustice. Titles of Honour, Judiciall places, Serjeantships at Law, and other Offices have bin sold for great summes of money; whereby the common Justice of the Kingdom hath bin much endangered, not only by opening away of employment in places of great trust, and advantage to Men of weak parts; but also by giving occasion to Bribery, Extortion, Partiality; It seldom hapning that places ill-gotten are well used. Commissions have bin granted for examining the excesse of Fees: and when great exactions have bin discovered, Compositions have bin made with Delinquents, not only for the time past, but likewise for immunity and security in offending for the time to come; which under colour of remedy, hath but confirmed, and encreased the Grievance to the Subject. The usuall course of pricking Sheriffs, not observed, but many times Sheriffs made in an extraordinary way; sometimes as a punishment and charge unto them; sometimes such were pricked out, as would be Instruments to execute whatsoever they would have to be done

The Bishops and the rest of the Clergy, did triumph in the Suspensions, Excommunications, Deprivations, and Degradations of divers painfull, learned and pious Ministers, in the vexation, and grievous oppression of great numbers, of His Majesties good Subjects. The High Commission grew to such excesse of sharpnesse and severity, as was not much lesse then the Romish Inquisition; and yet in many cases by the Archbishops power, was made much more heavy, being assisted, and strengthened by authority of the Councell Table.

The Bishops, and their Courts, were as eager in the Countrey; and although their Jurisdiction could not reach so high in rigour, and extremity of punishment, yet were they no lesse grievous, in respect of the generality, and multiplicity of vexations, which lighting upon the meaner sort of Tradesmen, and Artificers, did impoverish many thousands, and so afflict and trouble others, that great numbers, to avoid their miseries, departed out of the Kingdom, some into *New England*, and other parts of *America* others into *Holland*, where they have transported their Manufactures of Cloth, which is not only a losse by diminishing the present stock of the Kingdom, but a great mischief by impairing and endangering the losse of that peculiar Trade of Cloathing, which hath bin a plentiful Fountain of Wealth and Honour to this Nation. Those were fittest for Ecclesiasticall preferment, and soonest obtained it, who were most officious in promoting superstition, most virulent in rayling against Godlinesse, and Honesty.

The most publike and soleimne Sermons before His Majesty were, either to advance Prerogative above Law, and Decry the property of the Subject, or

ful of such kind of invectives; whereby they might make those odious who sought to maintain the Religion Laws, and Liberties of the Kingdom; and such men were sure to be weeded out of the Commission of the Peace, and out of all other employments of power in the Government of the Countrey. Many noble Personages were Councillors in name; but the power and authority remained in a few of such, as were most addicted to this party; whose resolutions, & determinations were brought to the Table for countenance & execution & not for debate, and deliberation; and no Man could offer to oppose them, without disgrace, and hazard to himselfe: Nay, all those that did not wholly concur and actively contribute to the furtherance of their designs, though otherwise persons of never so great Honour, and Abilities, were so far from being employed in any place of Trust, and power, that they were neglected, discountenanced, and upon all occasions injured and oppressed. This Faction was grown to that height, and entireness of power, that now they began to think of finishing their Work, which consisted of these three parts.

1 *The Government must be set free from all restraint of Laws, concerning our Persons and States.*

2 *There must be a Conjunction betwixt Papists and Protestants in Doctrine, Discipline, and Ceremonies; only it must not yet be called Poperie.*

3 *The Puritans under which name, they include all those that desire to preserve the Laws, and Liberties of the Kingdom, and to maintain Religion in the power of us; must be either rooted out of the Kingdom with force, or driven out with fear. For the effecting of this, It was thought necessary to reduce Scotland to such Popish Superstitions, and Innovations as might make them apt to joine with England, in this great change which was intended. Whereupon new Canons, and a new Liturgie were prest upon them; and when they refused to admit of them, an Army was raised to force them to it, towards which the Clergie, and the Papists were very forward in their contribution. The Scots likewise raised an Army for their defence; And when both Armies were come together, and ready for a bloody encounter, His Majesties own gracious disposition, and the Councill of the English Nobilitie and dutifull submission of the Scots, did so far prevail against the evill Councill of others, that a Pacification was made, and His Majestic returned with Peace, and much honour to London.*

The unexpected reconciliation was most acceptable to all the Kingdom, except to the malignant party, whereof the Archbishop and the Earle of Strafford being heads, they and their faction begun to inveigh against the Peace, and to aggravate the proceeding of the States, which so incensed his Majesty, that hee forthwith prepared again for War. And such was their confidence, that having corrupted and distempered the whole frame and Government of the Kingdom, they did now hope to corrupt that which was the onely meanes to restore all to a right frame and temper again; to which end they perswaded His Majesty

to call a Parliament, not to seeke counsell and advice of them, but to draw countenance and supply from them, and engage the whole Kingdome in their Quarrell: and in the mean time, continued all their unjust Levies of Money, resolving either to make the Parliament pliant to their Will, and to establish mischief by a Law, or else to break it; and with more colour to goe on by violence, to take what they could not obtain by consent. The ground alleaged for the justification of this War was this.

That the undutifull Demands of the Parliaments of *Scotland*, was a sufficient reason for His Majesty to take Armes against them, without hearing the Reason of those Demands; And thereupon a new Army was prepared against them, their Ships were seized in all Ports, both of *England* and *Ireland*, and at Sea, Their Petitions rejected, their Commissioners refused Audience. This whole Kingdome most miserably distemperd with Levies of Men and Money, and Imprisonments of those who denied to submit to those Levies. The Earle of *Strafford* past into *Ireland*, caused the Parliament there to declare against the *Scots*, to give foure Subsidies towards that War; and to engage themselves, their lives and fortunes for the prosecution of it, and gave directions for an Army of eight thousand foot, and one thousand horse, to be levied there, which were for the most part Papists. The Parliament met upon the thirteenth of *Aprill* one thousand six hundred and forty. The Earle of *Strafford*, and Archbishop of *Canterbury*, with their Party so prevailed with His Majesty, that the *House of Commons* was prest to yield to a Supply for maintenance of the War with *Scotland*, before they had provided any reliefe for the great and pressing Grievances of the people, which being against the fundamentall Priviledge and proceeding of Parliament, was yet in humble respect to his Majesty, so far admitted as that they agreed to take the matter of Supply into consideration, and two severall days it was debated. Twelve Subsidies were demanded for the releafe of Ship-money alone; A third day was appointed for Conclusion, when the Heads of that Party begun to feare the people might close with the King in satisfying his desire of Money: But that withall they were like to blast their malicious designs against *Scotland*, finding them very much indisposed to give any countenance to that War.

Thereupon they wickedly advised the King to break off the Parliament, and to return to the ways of Confusion, in which their owne evill intentions were most like to prosper and succeed.

After the Parliament ended the fifth of *May*, one thousand six hundred and forty, this Party grew so bold, as to counsell the King to Supply Himselfe out of His Subjects states by his own Power, at his own Will, without their consent. The very next day, some *Members of both Houses* had their Studies and Cabinets, yea their Pockets searched: Another of them not long after was committed close prisoner, for not delivering some Petitions which hee received

by authority of that *House*, and if harsher courses were intended (as was reported) it is very probable that the sickness of the Earle of *Strafford*, and the Tumultuous rising in *Southwarke*, and about *Lambeth*, were the causes that such violent intentions were not brought to execution. A false and scandalous Declaration against the *House of Commons*, was published in His Majesties Name, which yet wrought little effect with the people, but only to manifest the impudence of those who were Authors of it.

A forced Loan of money was attempted in the City of *London*.

The Lord Major and Aldermen in their severall Wards enjoyned to bring in a List of the Names of such persons as they judged fit to lend, and of the sum they should lend. And such Aldermen as refused so to doe, were committed to prison.

The *Archbishop* and the other *Bishops* and *Clergie* continued the *Convocation*, and by a new Commission turned it to a *Provinciall Synod*, in which by an unheard-of presumption, they made *Canons* that containe in them many matters contrary to the Kings Prerogative, to the fundamentall Laws and Statutes of the Realme, to the right of *Parliaments*, to the Property and Liberty of the Subject, and matters tending to sedition, and of dangerous consequence, thereby establishing their own Usurpations, justifying their Altar-worship, and those other superstitious Innovations, which they formerly introduced without warrant of Law.

They imposed a new Oath upon divers of his Majesties Subjects, both *Ecclesiasticall* and *Lay*, for maintenance of their own Tyranny; and laid a great Tax upon the Clergie for Supply of his Majesty; and generally they shewed themselves very affectionate to the War with *Scotland*, which was by some of them styled *Bellum Episcopale*; and a Prayer composed, and enjoyned to be read in all Churches, calling the *Scots Rebels*, to put the two Nations into blood, and make them irreconcilable. All those pretended *Canons* and *Constitutions* were armed with the severall Censures of *Suspension*, *Excommunication*, *Deprivation*, by which they would have thrust out all the good Ministers, and most of the well affected people of the Kingdome, and left an easie passage to their owne Designe of Reconciliation with *Rome*. The *Papish* party enjoyned such Exemptions from the *Penall Laws*, as amounted to a Toleration, besides many other encouragements, and Court favours: They had a Secretary of State, Sir *Francis Windibank*, a powerfull Agent for the speeding of all their desires, a *Popes Nuntio* residing here to act and governe them according to such influences as he received from *Rome*, and to intercede for them with the most powerfull concurrence of the forreigne Princes of that Religion: By his authority the *Papists* of all sorts, Nobility, Gentry, and Clergy were convoked, after the manner of a *Parliament*; new *Jurisdictions* were erected of *Romish*
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Archbishops, Taxes levied, another State moulded within this State independent in Government, contrary in interest and affection, secretly corrupting the ignorant, or negligent professors of our Religion, and closely uniting and combining themselves against such as were found, in this posture waiting for an opportunitie by force to destroy those, whom they could not hope to seduce. For the effecting whereof, they were strengthened with Armes and Munition, encouraged by superstitious Prayers, enjoined by the *Nuncio* to be weekly made for the prosperity of some great designe. And such power had they at Court, that secretly a Commission was issued out, intended to be issued to some great Men of that profession for the levying of Souldiers, and to command and employ them according to private Instructions, which wee doubt were framed for the advantage of those who were the contrivers of them: His Majesties Treasure was consumed, his Revenue anticipated, His Servants and Officers compelled to lend great sums of money; Multitudes were called to the *Councell Table*, who were tired with long attendances there, for refusing illegall payments. The *Prisons* were filled with their Commitments; many of the Sheriffs summoned into the *Star Chamber*, and some imprisoned for not being quick enough in levying the Ship-money, the people languished under grief, and feare, no visible hope being left, but in desperation. The Nobility began to be weary of their silence, and patience, and sensible of the duty, and trust which belongs to them: and thereupon some of the most eminent of them did petition his Majesty at such a time when evill Counsels were so strong, that they had reason to expect more hazard to themselves, then redresse of those publick evils for which they interceded: whilst the Kingdom was in this agitation and distemper, the *Scots* restrained in their trades, impoverished by the losse of many of their Ships, bereaved of all possibility of satisfying His Majesty by any naked Supplication, entred with a powerfull Army into the Kingdom, and without any hostile Act or spoile in the Countrey as they passed, more then forcing a passage over the *Tyne* at *Newborne*, neer *Newcastle*, possessed themselves of *Newcastle*, and had a faire opportunity to presse on further upon the Kings Army: but duty and reverence to His Majesty, and brotherly love to the *English* Nation, made them stay there, whereby the King had leisure to entertain better Counsels; wherein God so blessed and directed him, that he summoned the great Councell of Peers to meet at *Yorke*, upon the twenty fourth of *September*, and there declared a *Parliament* to begin the third of *November* then following. The *Scots* the first day of the great Councell, presented an humble Petition to His Majesty, whereupon the Treaty was appointed at *Rippon*. A present Cessation of Arms agreed upon: and the full Conclusion of all differences referred to the wisdom and care of the *Parliament*. At our first meeting, all Oppositions seemed to vanish, the mischiefs were so evident, which those evill Councillors produced, that no Man durst stand up to defend them. Yet the worke it self afforded difficulty enough.

nough. The multiplied evils and corruption of sixteene yeeres strengthened by custome and authority, and the concurrent interest of many powerfull Delinquents were now to be brought to judgement and reformation. The Kings Household was to be provided for, they had brought him to that want, that he could not supply his ordinary, and necessary expences, without the assistance of his people. Two Armies were to be payed, which amounted very neer to eighty thousand pounds a moneth; the people were to be tenderly charged, having bin formerly exhausted with many burthensome Projects.

The difficulties seemed to be insuperable, which by the Divine Providence wee have overcome. The Contrarieties incompatible, which yet in a great measure we have reconciled. Six Subsidies have bin granted, and a Bill of Poll-money, which if it be duely levied may equall six Subsidies more, in all six hundred thousand pounds. Besides wee have contracted a Debt to the *Scots* of 220 thousand pounds; and yet God hath so blessed the endeavours of this *Parliament*, that the Kingdome is a great gainer by all these charges. The Ship-money is abolished, which cost the Kingdome above 200 thousand pounds a year. The Coat and Conduſt money, and other Military charges, are taken away, which in many Countries amounted to little lesse then the Ship-money. The Monopolies are all suppressed, whereof some few did prejudice the Subject, above a Million yearly. The Soap an hundred thousand pounds; the Wine three hundred thousand pounds; the Leather must needs exceed both: and Salt could be no lesse then that; besides the inferiour Monopolies, which if they could be exactly computed, would make up a great summe. That which is more beneficial then all this is, that the root of these evils is taken away, which was the arbitrary power pretended to be in his Majesty, of taxing the Subject, or charging their estates without consent in *Parliament*, which is now declared to be against Law, by the judgment of both *Houses*, and likewise by an Act of *Parliament*. Another step of great advantage is this: the living Grievances, the evill Councillors and Actors of these mischiefs have bin so quelled, by the justice done upon the Earle of *Strafford*, the flight of the Lord *Finch*, and Secretary *Windsbank*. The accusation and imprisonment of the Archbishop of *Canterburie*, of Judge *Bartlet*, and the impeachment of divers other Bishops and Judges, that it is like not onely to be an ease to the present times but a preservation to the future. The discontinuance of *Parliaments* is prevented by the Bill for a *Trienniall Parliament*, and the abrupt dissolution of this *Parliament* by another Bill; by which it is provided, it shall not be dissolved or adjourned without the consent of both *Houses*.

Which two Laws well considered, may be thought more advantageous then all the former, because they secure a full operation of the present remedy, and afford a perpetuall Spring of remedies for the future: The Star-chamber,

ber, the High Commission, the Courts of the President, and Conncell in the North, were so many forges of misery, oppression, and violence, and are all taken away, whereby men are more secured in their persons, liberties and estates, then they could be by any Law or Example for the regulation of those Courts, or Terrour of the Judges; The immoderate power of the Conncell Table and the excessive abuse of that power is so ordered and restrained that we may well hope that no such things as were frequently done by them, to the prejudice of the publique liberty, will appear in future times but onely in Stories. to give us and our posterity more occasion to praise God for his Majesties goodnesse, and the faithfull endeavours of this Parliament. The *Canons*, and the power of *Canon-making*, are blasted by the Vote of both *Houses*. The exorbitant power of *Bishops* and their Courts, are much abated, by some Provisions in the Bill against the *High Commission Court*. The Authours of the many Innovations in Doctrine and Ceremonies; The Ministers that have bin scandalous in their lives, have bin so terrified in just complaints and accusations that we may well hope they will be more modest for the time to come; either inwardly convicted by the sight of their own folly, or outwardly restrained by the fear of punishment. The *Forrests* are by a good Law reduced to their right bounds; the encroachments and oppressions of the *Stannerie Courts*; The Extortions of the *Clerke* of the Market, and the compulsion of the Subject to receive the Order of Knighthood against his will, paying of Fines for not receiving it, and the vexatious proceedings thereupon for levying of those Fines, are by other beneficiall Laws reformed and prevented. Many excellent Lawes and provisions are in preparation for removing the inordinate power, vexation and usurpation of *Bishops* for reforming the pride and idlenesse of many of the *Clergie*, for easing the people of unnecessary Ceremonies in Religion, for censuring and removing unworthy and unprofitable Ministers; and for maintaining godly and diligent Preachers through the Kingdom: Other things of mayn importance for the good of this Kingdom, are in proposition though little could hitherto be done, in regard of the many other more pressing businesses, which yet before the end of this Session, wee hope may receive some progresse and perfection. The establishing and ordering the Kings Revenue, that to the abuse of Officers, and superfluity of expences may be cut off, and the necessary disbursements for his Majesties Honour, the defence and government of the Kingdome may be more certainly provided for. The regulating of Courts of Justice, and abridging both the delays and charges of Law Suits; The setting of some good courses for preventing the exportation of Gold and Silver, and the inequality of exchanges betwixt us and other Nations, for the advancing of native Commodities, increase of our Manufactures, and well ballancing of Trade, whereby the Stock of the Kingdom may be increased, or at least kept from impairing, as through neglect hereof it hath done: or many yeers last past; For improving

the Herring fishing, upon our own Coasts, which will be of mighty use in the imployment of the poore, and a plentiful Nursery of Mariners for inabling the Kingdome in any great Action. The oppositions, obstructions, and other Difficulties wherewith we have bin encountred, and which still lie in our way with some strength and much obstinacie are these: The malignant Party whom we have formerly described, to be the Actors and Promoters of all our misery, they have taken heart again; They have been able to prefer some of their own Factors and Agents to degrees of honour, to places of trust and employment even during the *Parliament*. They have endeavoured to work in his Majesty ill impressions and opinions of Our Proceedings, as if we had altogether done our own work, and not His, and had obtained from him many things very prejudiciall to the Crown, both in respect of Prerogative and Profit. To wipe out this slander, Wee think good onely to say thus much: That all that Wee have done, is for His Majesty, His Greatnesse, Honour, and Support, when Wee yield to give twenty five thousand pound a moneth for the reliefe of the Northern Countries, this was given to the King, for hee was bound to protect his Subjects, they were his Majesties evill Counsellors, and their ill instruments that were Actors in those grievances which brought in the *Scots*: and if His Majesty please to force those who were the Authours of this War to make satisfaction, as hee might justly and easily doe, it seems very reasonable that the people might well be excused from taking upon them this burthen, being altogether innocent and free from being any causes of it.

When we undertook the charge of the Army, which cost above 50000 l. a moneth, was not this given to the King? was it not his Majesties army? were not all the Commanders under contract with His Majesty at higher rates and greater wages then ordinary? and have not wee taken upon us to discharge all the brotherly assistance of three hundred thousand pounds which wee gave the *Scots*? was it not toward repaire of those damages and losses which they received from the Kings ships, and from his Ministers? These three particulars amount to above 1100. thousand pound, besides his Majesty hath received by impositions upon Merchandise at least 400 thousand pounds; so that his Majesty hath had out of the Subjects purse since the *Parliament* began one Million and an half, and yet these men can be so impudent, as to tell His Majesty, that we have done nothing for him. As to the second branch of this slander, wee acknowledge with much thankfulness that His Majesty hath passed more good Bills to the advantage of the Subjects then have bin in many ages; but withall we cannot forget, that these venemous counsels did manifest themselves in some endeavours to hinder these good Acts: and for both Houses of *Parliament* we may with truth and modesty say thus much. That we have ever bin carefull not to desire any thing that should weaken the Crowne either in just profit or usefull power. The trienniall *Parliament*, for the matter of it, doth not extend to

so much as by Law we ought to have required, there being two Statutes still in force for a Parliament to be once a year; and for the manner of it, it is in the Kings power; that it shall never take effect, if he by a timely summons shall prevent any other way of assembling. In the Bill for continuance of this present Parliament, there seems to be some restraint of the Royall Power in dissolving of Parliaments, not to take it out of the Crown, but to suspend the execution of it for this time and occasion onely, which was so necessary for the Kings own security, and the publike Peace; that without it wee could not have undertaken any of these great charges, but must have left both the Armies to disorder and confusion; and the whole Kingdome to bloud and rapine. The Star-chamber was much more fruitfull in oppression then in profit; the great fines being for the most part given away, and the rest stalled at long times. The fines of the High Commission were in themselves unjust and seldome or never came into the Kings Purse. These foure Bills are particularly and more specially instanced, in the rest there will not be found so much as a shadow of prejudice to the Crown. They have sought to diminish our reputation with the people, and to bring them out of love with Parliaments: the aspersions which they have attempted this way, have bin such as these, That wee have spent much time and done little; especially in those grievances which concerne Religion. That the Parliament is a burthen to the Kingdom by the abundance of Protections which hinder Justice and Trade; and by many Subsidies granted, much more heavy then any they formerly endured; to which there is a ready answer: if the time spent in this Parliament be considered in relation backward to the long growth and deep root of those grievances, which wee have removed, to the powerfull supports of those Delinquents which wee have persued, to the great necessities and other charges of the Commonwealth for which we have provided: or if it be considered in relation forward to many advantages, which not onely the present, but future ages are like to reap by the good Laws and other proceedings in this Parliament, wee doubt not but it will be thought by all indifferent judgements, that our time hath bin much better employed then in a far greater proportion of time in many former Parliaments put together; and the charges which have bin laid upon the Subject, & the other inconveniences which they have born, will seem very light in respect of the benefit they have and may receive. And for the matter of protections, the Parliament is so sensible of it, that therein they intend to give them whatsoever ease may stand with Honour and Justice; and are in a way of passing a Bill to give them satisfaction. They have sought by many subtile practices, to cause jealousies and divisions betwixt us and our brethren of *Scotland*, by slandering their proceedings and intentions towards us, and by secret endeavours to instigate and incense them and us one against another. They have had such a party of

Bishops and popish Lords in the House of Peeres as hath caused much opposition and delay in the prosecution of Delinquents, hindred the proceedings of divers good Bills passed in the Commons house, concerning the reformation of sundry great abuses and corruptions both in Church and State. They have laboured to seduce and corrupt some of the Commons House, to draw them into conspiracies and combinations against the liberty of the Parliament: And by their instruments and agents they have attempted to disaffect and discontent his Majesties Army, and to ingage it for the mayntenance of their wicked and traiterous designs, the keeping up of Bishops in votes and functions, and by force to compell the Parliament to order, limit, and dispose their proceedings in such manner as might best concur with the intentions of this dangerous and potent faction: And when one mischievous designe, and attempt of theirs to bring on the Army against the Parliament, and the City of *London* had bene discovered and prevented, they presently undertooke another of the same damnable nature, with this addition to it, to endeavour to make the Scottish Army neutrall; whilst the English Army which they had laboured to corrupt and invenome against us by their false and slanderous suggestions, should execute their malice to the subversion of our Religion, and the dissolution of our government. Thus they have been continually practizing to disturbe the peace, and plotting the destruction even of all the Kings Dominions, and have employed their Emissaries and Agents in them, all for the promoting of their devillish Designs which the vigilancy of those who were wel affected hath still discovered and defeated before they were ripe for execution in *England* and *Scotland*; onely in *Ireland* which was farther off, they have had time and opportunity to mould and prepare their work, and had brought it to that perfection that they had possessed themselves of that whole Kingdome, totally subverted the government of it, rooted out Religion, and destroyed all the Protestants whom the conscience of their duty to God, their King and Country would not have permitted to joyne with them, if by Gods wonderfull providence their mayn enterprise upon the City and Castle of *Dublin*, had not bene detected and prevented upon the very Eve before it should have been executed. Notwithstanding they have in other parts of that Kingdom broken out into open Rebellion, surprizing Townes and Castles, committed murders, rapes, and other villanies; and shaken off all bonds of obedience to his Majesty, and the laws of the Realme; and in generall have kindled such a fire, as nothing but Gods infinite blessing upon the wisdom and endeavours of this State will be able to quench it: and certainly had not God in his great mercy unto this Land discovered and confounded their former designs, we had been the Prologue to this Tragedy in *Ireland*, and had by this time been made the lamentable spectacle of misery and confusion. And now
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what hope have we but in God, when as the only meanes of our subsistence, and power of reformation is under him, in the Parliament; but what can we the Commons without the conjunction of the House of Lords, and what conjunction can we expect there, when the Bishops and Recusant Lords are so numerous and prevalent, that they are able to crosse and interrupt our best endeavours for Reformation, and by that meanes give advantage to this malignant party to traduce our proceedings? They insule into the people, that wee meane to abolish all Church government, and leave every man to his owne fancy for the service and worship of God, absolving him of that obedience which hee owes under God unto his Majesty, whom wee know to be intrusted with the Ecclesiasticall Law as well as with the temporall to regulate all the members of the Church of *England* by such rules of Order and Discipline as are established by Parliament which is his great Councell, in all affaires both in Church and State. Wee confesse our intencion is, and our endeavours have beene to reduce within bounds that exorbitant power which the Prelates have assumed unto themselves so contrary both to the Word of God & to the Laws of the Land, to which end we past the Bill for the removing them from their temporall power & employments, that so the better they might with meeknes apply themselves to the discharge of their Functions, which Bill themselves opposed, and were the principall instruments of crossing it.

And we do here declare, that it is far from our purpose or desire to let loose the golden reyns of Discipline, and Government in the Church, to leave private persons or particular Congregations to take up what forme of divine Service they please; for wee hold it requisite that there should be throughout the whole Realme a conformity to that Order which the Laws enioyne, according to the Word of God; and we desire to unburthen the consciences of men of needlesse and superstitious Ceremonies, suppress innovations, and take away the monuments of Idolatry. And the better to effect the intended Reformation: we desire there may be a generall Synod of the most grave, pious, learned, and judicious Divines of this Island; assisted with some from forraigne parts professing the same Religion with us, who may consider of all things necessary for the peace and good government of the Church, and represent the results of their consultations unto the Parliament to be there allowed of and confirmed, and receive the stamp of authority thereby to find passage and obedience throughout the Kingdome. They have maliciously charged us that wee intend to destroy and discourage Learning, whereas it is our chiefest care and desire to advance it, and to provide a competent maintenance for conscientious and preaching Ministers throughout the Kingdome, which will be a great encouragement to Scholars, and a certain means whereby the want of meannesse, and ignorance to which a great part of the Clergy is now subject, will be prevented. And we

intend likewise to reform, and purge the Fountains of Learning the two Universities, that the streams flowing from thence may be cleere and pure, and an honour and comfort to the whole Land. They have strained to blast our proceedings in Parliament by wresting the interpretations of our Orders from their genuine intention. They tell the people that our meddling with the power of Episcopacy, hath caused Sectaries and Conventicles, when Idolatry and popish Ceremonies introduced into the Church by the command of the Bishops, have not onely debarred the people from thence, but expelled them from the Kingdome. Thus with *Eliab* we are called by this Malignant party the troublers of the State, and still while we endeavour to reforme their abuses, they make us the Authours of those mischiefs we study to prevent: for the perfecting of the worke begun, and removing all future impediments, we conceive these courses will be very effectually seeing the Religion of the Papists hath such principles as doe certainly tend to the destruction and extirpation of all Protestants when they shall have opportunity to effect it.

It is necessary in the first place to keep them in such condition, as that they may not be able to do us any hurt, and for avoyding of such connivence and favour as hath heretofore been shewed unto them. That his Majesty be pleased to grant a standing Commission to some choice men named in Parliament, who may take notice of their increase, their counsels and proceedings, and use all due means by execution of the Laws to prevent any mischievous designs, against the peace and safety of this Kingdom. That some good course be taken to discover the counterfeit and false conformity of papists to the Church, by colour whereof persons very much disaffected to the true Religion have been admitted into place of greatest authority and trust in the Kingdom.

For the better preservation of the Lawes and Liberties of the Kingdom, that all illegall grievances and exactions be presented and punished at the Sessions, and Assizes: and that Judges and Justices be carefull to give this in charge to the Grand Jury, and both the Sheriffe and Justices to be sworne to the due execution of the Petition of Right and other Laws: That his Majesty be humbly petitioned by both Houses to employ such Counsellours, Ambassadors, and other Ministers in managing his businesse at home and abroad, as the Parliament may have cause to confide in, without which wee cannot give his Majesty such supplies for support of his own estate, nor such assistance to the Protestant party beyond the Sea, as is desired. It may often fall out that the Commons may have just cause to take exceptions at some men for being Counsellours, and yet not charge those men with crimes, for there be grounds of disidence, which lye not in proof; there are others which though they may be proved, yet are not legally criminall; to be a known favourer of Papists, or to have been very forward in defending or countenancing some great offenders questioned in Parliament.

or to speake contemptuously of either Houses of Parliament, or Parliamentary proceedings, or such as are Factours or Agents for any forreigne Prince of another Religion, such as are justly suspected to get Counsellours places or any other of trust concerning publique Employment for money: For all these and divers others we may have great reason to be earnest with his Majesty not to put his great affairs into such hands though we may be unwilling to proceed against them in any legall way of charge or impeachment: That all Counsellours of State may be sworn to observe those Laws which concerne the Subject in his liberty that they may likewise take an Oath not to receive or give reward or Pension from any forreigne Prince, but such as they within some reasonable time discover to the Lords of his Majesties Councell: and although they should wickedly forswear themselves, yet it may herein doe good to make them known to be false and perjured to those who employ them, and thereby bring them into as little credit with them as with us. That his Majesty may have cause to be in love with good counsell and good men, by shewing him in an humble and dutifull manner, how full of advantage it would be to himself, to see his own estate settled in a plentiful condition to support his honour, to see his people united in ways of duty to him, and endeavours of the publique good; to see happinesse, wealth, peace and safety derived to his owne Kingdom, and procured to his Allies by the influence of his own power and government. That all good courses may be taken to unite the two Kingdomes of *England* and *Scotland* to be mutually ayding and assisting one another for the common good of the Island, and honour of both. To take away all differences amongst our selves for matters indifferent in their own nature concerning Religion, and to unite our selves against the common enemies, which are the better inabled by our divisions to destroy us all, as they hope and have often endeavoured. To labour by al offices of friendship to unite the forreign Churches with us in the same cause, and to seek their liberty, safety, and prosperity, as bound thereunto both by charity to them, and by wisdom for our owne good. For by this means our own strength shall be encreased, and by a mutuall concurrence to the same common end, wee shall be enabled to procure the good of the whole body of the Protestant Profession. If these things may be observed, we doubt not but God will crown this Parliament with such successe as shall be the beginning and foundation of more honour and happinesse to his Majesty, then ever yet was enjoyed by any of his Royall Predecessors.

FINIS.

HIS MAIESTIES ANSWER
To the PETITION which accompanied the
DECLARATION Presented to Him at
Hampton Court, 1 Decemb.
1641.



EE having received from you, soone after Our returne out of *Scotland*, a long Petition, consisting of many desires of great moment, together with a Declaration of a very unusuall nature annexed thereunto, We had taken some time to consider of it, as befitted Us in a matter of that consequence, being confident, that your owne reason and regard to Us, as well as Our expresse intimation by Our Comptroller to that purpose, would have restrained you from the publishing of it, till such time, as you should have received Our Answer to it : But, much against Our expectation, finding the contrary, that the said Declaration is already abroad in Print, by directions from your House as appears by the printed Copy; We must let you know that We are very sensible of the disrespect. Notwithstanding, it is Our Intention, that no failing on your part, shall make Us faile in Ours, of giving all due satisfaction to the desires of Our People, in a Parliamentary way ; And therefore We send you this Answer to your Petition, reserving Our selfe in point of the Declaration, which We thinke unparliamentary, and shall take a course to doe that which We shall thinke fit in prudence and honour.

To the Petition, We say ; that although there are divers things in the Preamble of it, which We are so far from admitting, that We profess we cannot at all understand them, as, *Of a wicked and malignant party prevalent in the Government ; Of some of that party admitted to Our Privie Councell, and to other Employments of trust, and neere to Vs. and Our Children ; Of Endeavours to sow among the People false scandals and imputations, to blemish and disgrace the Proceedings of the Parliament :* All, or any of which, did We know of, We should be as ready to remedie and punish, as you to complaine of. That the Prayers of your Petition are grounded upon such Premises as We must in no wise admit ; yet notwithstanding We are pleased to give this Answer to you.

To the first concerning Religion, consisting of severall branches, We say, that for the preserving the Peace and Safety of the Kingdome from the designs

signes of the Popish partie, We have, and will still concur with all the just desires of Our people in a Parliamentarie way ; That for the depriving of the Bishops of their Votes in Parliament, We would have you consider, that their right is grounded upon the fundamentall Law of the Kingdome, and constitution of Parliament ; This We would have you consider, but since you desire Our concurrence herein in a Parliamentary way, We will give no farther answer at this time,

As for the abridging of the inordinate power of the Clergy, We conceive that the taking away of the high Commission Court hath well moderated that, but if there continue any Usurpations, or Excesses in their Jurisdictions, We therein neither have nor will protect them.

Unto that Clause which concerneth Corruptions (as you stile them) in Religion, in Church-government, and in Discipline, and the removing of such unnecessary Ceremonies as weake Consciences might cheque at. That for any illegall Innovations which may have crept in, We shall willingly concur in the removall of them. That if Our Parliament shall advise Us to call a Nationall Synod, which may duly examine such Ceremonies as give just cause of offence to any, We shall take it into consideration, and apply Our Selfe to give due satisfaction therein ; But Wee are very sorry to heare in such generall termes, Corruption in Religion objected, since We are perswaded in Our conscience that no Church can be found upon the earth that professeth the true Religion with more purity of Doctrine then the Church of *England* doth, nor where the Government and Discipline are joyntly more beautified, and free from superstition, then as they are here established by Law, which (by the grace of God) We will with Constancy maintaine (while We live) in their Puritie and Glory, not only against all invasions of Popery, but also from the irreverence of those many Schismatics and Separatists, wherewith of late this Kingdome and this City abounds, to the great dishonour and hazard both of Church and State ; for the suppression of whom We require your timely aid and active assistance.

To the second prayer of the Petition, concerning the removeall and choice of Councillours, We know not any of Our Councell to whom the Character set forth in the Petition can belong. That by those whom We had exposed to triall, We have already given you sufficient testimony, that there is no man so neere unto Us in place or affection, whom We will not leave to the Justice of the Law, if you shall bring a particular charge and sufficient proofes against him ; and of this We doe againe assure you, but in the meane time Wee wish you to forbear such generall aspersions as may reflect upon all Our Councell, since you name none in particular.

That for the choice of Our Councillours and Ministers of State, it were to
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debar Us that naturall libertie all Free-men have, and it is the undoubted right of the Crowne of *England*, to call such persons to Our Secret Councils, to publicke imployment, and Our particular service, as We shall thinke fit, so Wee are, and ever shall be very carefull to make election of such persons in those places of trust, as shall have given good testimonies of their abilities and integrity, and against whom there can be no just cause of exception whereon reasonably to ground a diffidence; and to choices of this nature, Wee assure you that the mediation of the neereſt unto Us hath alwayes concurred.

To the third Prayer of your Petition, concerning *Ireland*, Wee understand your desire of not alienating the forfeited Lands thereof, to proceed from your much care and love; And likewise that it may be a Resolution very fit for Us to take, but whether it be seasonable to declare Resolutions of that nature before the events of a warre be seene, that We much doubt of. Howsoever, We cannot but thanke you for this care, and your cheerfull ingagement for the suppression of that Rebellion; upon the speedy effecting thereof, the glory of God in the Protestant Profession, the safetie of the Brittish there, Our honour, and that of the Nation so much depends; all the Interests of this Kingdome being so involved in that businesse, We cannot but quicken your affections therein, and shall desire you to frame your Councils, and to give such expedition to the worke, as the nature thereof, and the pressuures in point of time requires, and whereof you are put in minde by the daily insolence and increase of those Rebels.

For Conclusion, your promise to apply your selves to such courses as may support Our Royall Estate with Honour and Plenty at home, and with Power and Reputation abroad, is that which We have ever promised our Selfe, both from your loyalties and Affections, and also for what We have already done, and shall daily goe adding unto, for the comfort and happinesse of Our people.

His Majesties Declaration, to all His loving Subjects.

Published with the advice of His Privie Councell,

Although We doe not beleeve that our House of Commons intended, by their Remonstrance of the State of the Kingdome, to put Us to any Apologie, either for Our past or present Actions; Notwithstanding, since they

they have thought it so very necessary (upon their Observation of the present Distemper) to publish the same, for the satisfaction of all Our loving Subjects, We have thought it very suitable to the duty of Our place, (with which God hath trusted Us) to doe Our part to so good a Worke, in which We shall not thinke it below Our Kingly dignity to descend to any particular, which may compose and settle the affections of Our meanest Subjects, since Wee are so conscious to Our Selfe of such upright Intentions and endeavours, and onely of such (for which We give God thanks) for the Peace and happinesse of Our Kingdome, in which the prosperity of Our Subjects must bee included, that We wish from Our heart, that even Our most secret thoughts were published to their view and examination; Though We must confesse Wee cannot but be very sorry in this conjuncture of time (when the unhappinesse of this Kingdome is so generally understood abroad) there should be such a necessitie of publishing so many Particulars, from which, VVe pray, no Inconveniences may insue that were not intended.

VVe shall in few words passe over that part of the Narrative, wherein the Misfortunes of this Kingdome from Our first entering to the Crowne, to the beginning of this Parliament, are remembred in so sensible expressions; And that other which acknowledgeth the many good Lawes passed by our Grace and Favour this Parliament, for the Security of Our people; Of which VVe shall onely say thus much, That as VVe have not refused to passe any Bill presented to Us by Our Parliament, for redresse of those Grievances mentioned in the Remonstrance, so We have not had a greater Motive for the passing those Lawes then Our own Resolution (grounded upon Our Observation, and understanding the State of Our Kingdome) to have freed Our Subjects for the future, from those Pressures which were grievous to them if those Lawes had not been propounded, which therefore VVe shall as inviolably maintaine, as VVe looke to have Our owne Rights preserved, not doubting but all Our loving Subjects will looke on those Remedies, with that full gratitude and affection, that even the memory of what they have formerly undergone by the Accidents and necessities of those times, will not be unpleasant to them: And possibly in a pious sence of Gods blessing upon this Nation (how little share soever VVe shall have of the acknowledgement) they will confesse they have enjoyed a great measure of happinesse (even these last sixteene yeeres) both in peace and plenty, not onely comparatively in respect of their Neighbours, but even of those times which were justly accounted Fortunate.

The Feares and Jealousies which may make some impression in the mindes of Our People, VVe will suppose may be of two sorts; either for Religion, or Liberty, and their civill Interests. The Feares for Religion may haply be, not onely as Ours here established may be invaded by the Romish partie, but

as it is accompanied with some Ceremonies, at which some tender Consciences really are, or pretend to be scandalized, for of any other which have beene used without any legall VVarrant or Injunction, and already are, or speedily may be abolished. VVe shall not speake.

Concerning Religion, as there may be any suspicion of favour or inclination to the Papists, VVe are willing to Declare to all the world, That as VVe have beene from Our childehood brought up in, and practised the Religion now established in this Kingdome; so it is well knowne, VVe have (not contented simply with the Principles of Our Education) given a good proportion of Our time and paines, to the examination of the grounds of this Religion, as it is different from that of *Rome*, and are from Our soule so fully satisfied and assured, that it is the most pure, and agreeable to the Sacred word of God, of any Religion now practised in the Christian world: That as VVe beleieve VVe can maintaine the same by unanswerable reasons, so VVe hope VVe should readily scale to it by the effusion of Our Blood, if it pleased God to call Us to that sacrifice. And therefore nothing can be so acceptable unto Us, as any proposition which may contribute to the advancement of it here, or the propagation of it abroad, being the onely meanes to draw downe a blessing from God upon our selves, and this Nation. And VVe have been extreemly unfortunate, if this profession of Ours be wanting to Our people: Our constant practice in our owne Person, having alwayes been (without ostentation) as much to the evidence of Our care and duty herein, as VVe could possibly tell how to expresse.

For differences amongst our selves, for matters indifferent in their owne nature concerning Religion, VVe shall, in tenderneffe to any number of Our loving Subjects, very willingly comply with the advice of Our Parliament, that some Law may be made for the exemption of tender consciences from punishment, or prosecution for such Ceremonies, and in such cases which by the judgement of most men, are held to be matters indifferent, and of some to be absolutely unlawfull. Provided that this case bee attempted, and pursued with that modesty, temper and submission, that in the meane time the peace and quiet of the Kingdome be not disturbed, the decency and comlineffe of Gods service discountenanced, nor the pious, sober, and devout actions of those Reverend Persons, who were the first labourers in the blessed Reformation, or of that time, be scandal'd and defamed. For VVe cannot without griefe of heart, and without some tax upon Our Selfe, and Our Ministers for the not execution of Our Lawes, looke upon the bold Licence of some men, in Printing of Pamphlets, in Preaching and Printing of Sermons, so full of bitterneffe and malice against the present Government, against the Lawes established, so full of sedition against Our Selfe, and the peace of the Kingdome,

dome, that VVe are many times amazed to consider by what Eyes these things are seene, and by what Eares they are heard ; And therefore VVe have good cause to command, as VVe have done, and hereby doe, all Our Judges and Ministers of justice, Our Attorney and Sollicitor Generall, and the rest of Our learned Councell, to proceed with all speed against such, and their Abettors, who either by writing or words, have so boldly and maliciously violated the Lawes, disturbed the peace of the Common-wealth ; and, as much as in them lies, shaken the very foundation upon which that peace and happinesse is founded and constituted. And we doubt not but all Our loving Subjects, will be very sensible that this busie, virulent demeanour, is a fit Prologue to nothing but confusion ; and if not very seasonably punished and prevented, will not onely be a blemish to that wholesome accommodation VVe intend, but an unspeakable scandall and imputation, even upon the profession and Religion of this Our Kingdome of *England*.

- Concerning the Civill Liberties and Interest of Our Subjects, VVe shall need to say the lesse, having erected so many lasting Monuments of Our Princely and fatherly care of Our People, in those many excellent Lawes passed by Us this Parliament, which in truth (with very much content to Our Selfe) VVe conceive to be so large and ample, that very many sober men have very little left to wish for.

VVe understood well the Right, and pretences of Right VVe departed from in the consenting to the Bills of the Trienniall Parliament, for the continuance of this present Parliament, and in the preamble to the Bill of Tunnage and Poundage ; the matter of which having begot so many disturbances in late Parliaments, VVe were willing to remove, that no interest of Ours might hereafter breake that correspondence, abundantly contenting Our Selfe with an Assurance (which VVe still have) that VVe should bee repaired and supplied by a just proportion of confidence bounty, and obedience of Our people. In the Bills for the taking away the High Commission and Star-Chamber Courts, VVe beleevd VVe had given that reall satisfaction, that all jealousies and apprehensions of Arbitrary pressures under the Civill or Ecclesiasticall state, would easily have beene abandoned, especially when they saw all possible doubts secured by the visitation of a Trienniall Parliament.

These, and others of no meane consideration, VVe had rather should be valued in the hearts and affections of Our poeple, then in any mention of Our owne, not doubting, but as VVe have taken all these occasions to render their condition most comfortable and happy, so they will alwayes in a gratefull and dutifull relation, be ready with equall tenderesse and alacrity, to advance Our Rights, and preserve Our Honour, upon which their owne security and subsistence so much depends. And VVe will be so carefull, that no particular shall

be presented unto Us for the compleating and establishing that security, to which VVe will not with the same readinesse contribute Our best assistance.

If these resolutions be the effects of Our present Councils. (and VVe take God to witnesse that they are such, and that all Our loving Subjects may confidently expect the benefit of them from Us) Certainly no ill designe upon the Publick can accompany such Resolutions neither will there be greater cause of suspicion of any Persons preferred by Us to degrees of Honour, and places of trust and employment since this Parliament. And We must confesse, that amongst Our misfortunes We reckon it not the least, That having not retained in Our Service, nor protected any one Person, against whom Our Parliament hath excepted, during the whole sitting of it. and having in all that time scarce vouchsafed to any man an instance of Our Grace and Favour, but to such who were under some eminent Character of Estimation amongst Our people, there should so soon be any misunderstanding or jealousie of their fidelity and uprightness, especially in a time when We take all occasions to declare, That We conceive Our selfe onely capable of being served by honest Men, and in honest wayes. How ever, if in truth We have been mistaken in such Our election, the particular shall be no sooner discovered to Us, either by Our owne observation, or other certaine information, then We will leave them to publick Justice, under the marks of Our displeasure.

If notwithstanding this, any malignant Party shall take heart, and be willing to sacrifice the Peace and Happinesse of their Countrey to their own sinister ends and ambitions, under what pretence of Religion and Conscience soever; If they shall endeavour to lessen Our Reputation and interest, and to weaken Our lawfull Power and Authority with Our good Subjects, if they shall goe about, by discountenancing the present Laws, to loosen the Bonds of Government, that all disorder and confusion may breake in upon Vs, VVee doubt not, but God in his good time will discover them unto Us; and the wisdom and courage of Our High Court of Parliament joyned with Us in their suppression and punishment.

Having now said all that We can, to expresse the clearenesse and uprightness of Our Intentions to Our people, and done all We can to manifest those Intentions, We cannot but confidently believe all Our good Subjects will acknowledge Our part to be fully performed, both in deeds past, and present Resolutions, to doe whatsoever with Justice may be required of Us, and that their quiet and prosperitie depends now wholly upon themselves, and is in their owne power, by yeelding all obedience and due reverence to the Law, which is the inheritance of every subject, and the onely security hee can have for his Life, Libertie, or Estate, and the which being neglected or disesteemed (under what specious shews soever) a great measure of infelicity, if not an irreparable

reparable confusion must without doubt fall upon them. And We doubt not it will be the most acceptable Declaration a King can make to His Subjects, that for Our part We are resolved not onely duly to observe the Laws of Our Selfe, but to maintaine them against what opposition soever, though with the hazard of Our being.

And Our hope is, that not onely the Loyaltie and good Affections of all Our loving Subjects, will concurre with Us in the constant preserving a good understanding between Us and Our people, but at this time their owne and Our interest and compassion of the lamentable condition of Our poore Protestant Subjects in *Ireland*, will invite them to a faire intelligence and unitie amongst themselves, that so We may with one heart intend the relieving and recovering that unhappy Kingdome, where those barbarous Rebels practise such inhumane and unheard of Outrages upon Our miserable people, that no Christian care can heare without horroure, nor story paralell. And as we looke upon this, as the greatest affliction it hath pleased God to lay upon Us, so Our unhappinesse is increased, in that by the distempers at home, so early remedies have not been applied to those growing evils as the expectation and necessity there requires though for Our part, as We did upon the first notice acquaint Our Parliament of *Scotland* (where We then were) with that Rebellion, requiring their aid and assistance, and gave like speedy intimation and recommendation to Our Parliament here; so since Our returne hither, We have bene forward to all things which have been proposed to Us towards that worke, and have lately Our Selfe offered (by a Message to Our House of Peeres, and communicated to Our House of Commons) to take upon Us the care to raise speedily ten thousand English Voluntiers for that service, if the House of Commons shall declare that they will pay them; which particulars We are (in a manner) necessitated to publish, since We are informed that the malice of some persons hath whispered it abroad, That the no speedier advancing of this businesse hath proceeded from some want of alacrity in Us to this great worke, whereas VVe acknowledge it a high crime against Almighty God, and inexcusable to Our good Subjects of Our three Kingdomes, if VVe did not to the utmost imploy all Our powers and faculties to the speediest and most effectuall assistance and protection of that distressed people.

And Wee shall now conjure all Our good Subjects (of what degree soever) by all the Bonds of Love, Duty, or Obedience, that are precious to good men, to joyn with Us for the Recovery of the Peace of that Kingdome, and the preservation of the Peace of this, to remove all their Doubts and Feares which may interrupt their affection to Us, and all their Jealousies and apprehensions which may lessen their Charity to each other, and then (if the sins of this Nation have not prepared an inevitable Judgement for us all) God will yet make Us a Great and glorious King over a Free and Happy People. *FINIS.*



A Common Councell held at *Guild-hall*, in the City
of *London*, the 31 of *December*, 1641.

Commune Concilium tenuit in Camera *Guild-hall* Civit. *London* tricesimo primo die Decemb. 1641. post meridiem, Anno Reg. Dom. nostri Caroli nunc Regis Anglie. &c. decimo septimo, coram Richardo Gurney Milite & Baronetto, *Majore Civit. London*, Tho. Gardiner Milite, ejusdem Civit. Record. Ed. Bromfield Milite. & Ed. Wright Mil. & Alderm. dictæ Civit. Joh. Cordell Mil. Joh. Gayer Mil. Jacobo Garrad Mil. ac Alderm. Tho. Atkin Alderm. Joh. Wallaston Mil. & Alderm. Thom. Adams, Joh. Warner, Joh. Towfe. Abrah. Reynardson & Thom. Austin prædict. Civit. Alderm. ac Georgio Garret. & Georgio Clarke Mil. & Alderm. ac Vicecom. Civ. prædict. nec non majore parte Conciliatorum de Com. Concilio ejusdem Civitat. tunc & ibidem assemblæ.

AT this Common Councell Master Recorder declared, That by the direction of the Right Honourable the Lord Major, hee was to signifie to them the cause of their now Assembly, how that his Lordship had yesterday received a Letter from Sir *Edward Nicholas* Knight, one of His Majesties principall Secretaries, intimating that it was His Majesties pleasure, his Lordship should call a Common Council against this time, and then his Lordship should be advertised of His Majesties further pleasure: And that there was now at this present in the Councell Chamber an honourable person, being the Lord *Newburgh*, Chancellour of His Majesties Court of the Dutchy, and one of His Majesties most honourable Privy Councell, come hither to deliver His Majesties Message or Request to this Court: And thereupon the right Honourable the Lord *Newburgh* was desired to come into this Court, who being here, declared and said in this manner; Gentlemen, His Majesty out of His good affection towards the City, and acknowledging of your great loves lately shewed unto His Highnesse, hath sent me in a Message unto you, assuring it to be the same contained in a Paper, which he presented and desired to be read to this Common Councell, which was accordingly done, the tenour whereof followeth in these words, viz.

There

T Here having bin of late many tumultuary and riotous Assemblies of people about Our Palaces of White-hall and Westminster, to the great disturbance of Vs and Our Parliament: and We having received information, that some ill-affected persons doe still endeavour to incite the like tumults againe, Wee have thought fit to recommend to your especiall care the preventing them, as far as in you lies, especially the ensuing Holidays, at which the idlenesse of many may make them apter to such disorders. We have thought fit likewise to let you know, that Wee are so well assured of the good affections of Our City of London, by the great expressions which it hath made unto Vs of late, that We can in no wise understand it to have any share in the fault of these tumults and distempers, but that they proceed meerly from the mean and unruly people of the Suburbs. And as Wee are most confident of the hearts and good affections of Our Citie of London towards Vs and Our Government, and will not entertain any other opinion; so We do desire them not to be disturbed by any jealousies that ill-affected persons may endeavour to sowe but to rest most confident and assured, that the safetie, the protection, and the prosperitie of the Citie shall ever be with Vs a principall care.

After the reading of which most gracious Message, whereby is fully manifested and expressed His Majesties gracious goodnesse and great care for the safety and prosperity of this City (The Lord Newburgh having with drawn himselfe) this Common Councell tooke the same into their serious consideration, and how for the present to return by this Honourable person unto His Majesty an answer with all humility and thankfulness; And after much debate, it was fully agreed and resolved of by this Common Councell, That in the first place should be returned and rendred unto His Majesty from this Common Councell, as the Representative Body of the whole City, their humble duty in all thankfull manner, for His goodnesse and gracious love and care manifested to this City.

Secondly, that it should be signified unto His Majesty, This Court, nor any particular member thereof, hath had any hand in these Tumultuous and Riotous proceedings, and that they, and every of them doe disavow and disclaime the same.

Thirdly, That it may be likewise signified, That this Court (as the Representative Body of the whole City) doth promise from hence-forth their best indeavours to prevent and suppress in time to come (as far as in them lyeth) all such, or the like Tumultuous Assemblies, and all Mutinous and Rebellious persons.

And lastly, That the humble desire of this Court may be presented unto his Majesty, to be graciously pleased, that all the Delinquents and causers of these
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Tumults, whatsoever they be, being apprehended, may be brought into examination, and receive condigne punishment according to the Law.

And these foure things thus agreed upon, were by direction of this Common Councell here openly declared and delivered by the mouth of Master Recorder, unto that Honourable Person the Lord *Newburgh* here present, with desire that the same should be by his Lordship accordingly presented unto his Majesty, the which he promised to perform with trust.

And afterwards this Court entred into further consultation and debate, touching the tumultuous and riotous Assemblies lately spread night and day in severall parts of this City, to the great trouble and affrightment of His Majesties good Subjects, and also touching the great neglect of that due respect which ought to be given by the Inhabitants of this City, to the severall Precepts lately issued out by my Lord Major for a continuall Watch and Ward day and night for prevention and suppression of such Tumults and Distempers.

And likewise touching the great neglect in appearance of the Trained Bands of this City to their Colours at the beat of the Drum, especially in these times of danger, in contempt of Authority, being a matter of exceeding great consequence, and not fit to be suffered. And thereupon this Common Councell taking much to heart, that such disobedience should grow and be found in the Inhabitants of this City, to the great disrespect of Magistracy and contempt of Government; And that such Disorders and Tumultuary Assemblies should be permitted in such a City as this, formerly famous for the good and quiet Government thereof, hath thought it very expedient and behovefull, for redresse and remedy to be had in these abuses, being not fit to be any longer endured, That every Member of this Common Councell now assembled, shall in their severall Precincts spread it abroad, and make it known, That if any person, or persons, shall from henceforth neglect his duty and service to be performed, as aforesaid, and shall not doe his best endeavour to suppress, or prevent any Tumults, or Riotous Assemblies, that shall hereafter be attempted within this City, or Liberties thereof, that then he or they offending, shall receive condigne punishment according to his or their demerits.

And it is further thought fit, and so agreed by this Common Councell, that my Lord Major may send out his Precepts in such manner and to such purpose, as his Lordship, and his Brethren the Aldermen, shall think fit, for Watch and Ward, raising of Arms, or otherwise, for the safety and preservation of this City; to which this Court, and all the Members thereof, promise all due and cheerefull obedience.

FINIS.

His Majesties Message sent by the Lord Chamberlain to the House of Peers, the 28. of December. 1641.

HIS Majestie being very sensible of the great Miseries and Distresses of His Subjects in the kingdome of *Ireland*, which goe daily inereasing so fast, and the Blood which hath been already spilt by the crueltie and barbarousnesse of those Rebels, crying out so loud; and perceiving how slowly the Succours designed thither goe on: His Majestie hath thought fit to let your Lordships know, and desires you to acquaint the House of Commons therewith, That His Majestie will take care, that by Commissions which He shall grant, ten thousand English Voluntiers shall be speedily raised for that Service, if so the House of Commons shall declare that they will pay them.

By the King.



Whereas divers lewd and wicked persons have of late risen in Rebellion in Our Kingdom of Ireland, surpris'd divers of Our Forts and Castles, possessed themselves thereof, surpris'd some of Our Garrisons, possessed themselves of some of Our Magazines of Arms and Munition, dispossest many of Our good and loyall Subjects of the British Nation and Protestants of their Houses and Lands, robbed and spoiled many thousands of Our good Subjects of the British Nation, and Protestants of their goods, to great values, massacred multitudes of them, imprison'd many others, and some who have the honour to serve Us as Privie Councillours of that Our Kingdom: We therefore having taken the same into Our Royall consideration, and abhorring the wicked disloyaltie and horrible acts committed by those persons do hereby not onely declare Our just indignation thereof but also do declare them and their Adherents, and Abettors, and all those who shall hereafter ioyne with them, or commit the like acts on any of Our good Subjects in that Kingdom to be Rebels and Traitors against Our Royall Person, and enemies to Our Royall Crown of England and Ireland.

And we do hereby straitly charge and command all those persons, who
F have

have so presumed to rise in Arms against Us and Our Royall authority (which We cannot otherwise interpret then Acts of high Rebellion and detestable disloyalty, when therein they spoil and destroy Our good and Loyall Subjects of the Brittish nation, and Protestants) That they immediately lay down their Arms, and forbear all further Acts of Hostility; whereina if they fail, We do let them know, That We have authorized Our Justices of Ireland, and other Our chief Governour or Governours, and Generall, or Lieutenant Generall of Our Army there; And do hereby accordingly require and authorize them, and every of them, to prosecute the said Rebels and Traitors with fire and sword as persons who by their high disloyalty against Us their lawfull and undoubted King & Sovereign, have made themselves unworthy of any mercy or favour, wherein Our said Justices or other chief Governour or Governours, and Generall or Lieutenant Generall of Our said Army shall be countenanced and supported by Us and by Our powerfull succours of Our good Subjects of England and Scotland, that so they may reduce to obedience those wicked disturbers of that Peace, which by the blessing of God that Kingdom hath so long and so happily enjoyed under the government of Our Royall Father and Us. And this Our Royall pleasure, We do hereby require Our Justices, or other chief Governour or Governours of that Our Kingdom of Ireland, to cause to be published and proclaimed, in and throughout Our said Kingdom of Ireland.

Given under Our Signet at Our Palace at Westminster, the first day of January, in the seventeenth year of Our Reign. 1641.

God save the King.

Articles of High Treason, and other Misdemeanours against the Lord Kymbolton, Mr. Pym, John Hampden, Denzill Hollis, Sir Arthur Haslerig, and William Strode, being all Members of the House of Commons.

I.

THAT they have traiterously endeavoured to subvert the Fundamentall Lawes and Government of this Kingdome, and deprive the King of his Legall power, and to place on Subjects an Arbitrary and tyrannicall power.

II. That

II. That they have endeavoured by many foule aspersions upon his Majesty and his Government, to alienate the affections of his people, and to make his Majesty odious to them.

III. That they have indeavoured to draw his Majesties late Army to disobedience to his Majesties command, and to side with them in their Trayterous designe.

IV. That they have Trayterously invited and encouraged a forraigne power to invade his Majesties Kingdome of England.

V. That they have Traiterously indeavoured to Subvert the very Rights and Beings of Parliaments.

VI. That for the compleating of their trayterous designs, they have endeavoured as farre as in them lay, by force, and terror, to compell the Parliament to joyne with them in their Trayterous designs, and to that end, have actually raised, and countenanced Tumults against the King and Parliament.

VII. That they have trayterously conspired to Leavy, and actually have Leavied warre against the King.

Die Luna, 3. Ianuar. 1641.

IT is this day ordered upon the question, by the Commons House of Parliament, That if any persons whatsoever, shall come to the Lodgings of any Member of this House, and there doe offer to Seale the Trunks, Doores, or Papers of any Members of this House, or to seize upon their persons; That then such Members shall require the aid of the Constable, to keepe such persons in safe custodie, till this House doe give further Order. And this House doth further declare, That if any person whatsoever, shall offer to arrest or detain the person of any Member of this House, without first Acquainting this House therewith, and receiving further Order from this House; That it is lawfull for such Member, or any person, or assist him, and to stand upon his, and their guard of defence, and to make resistance, according to the Protestation taken, to defend the priviledges of Parliament.

H. Elsynge, Cler. Parl. D. Com.

His Maiesties Speech in the House of Commons, 4^o Ianuarii 1641.

Gentlemen,

I Am sorry for this occasion of coming unto you : yesterday I sent a Sergeant at Arms upon a very important occasion, to apprehend some that by my command were accused of high Treason, whereunto I did expect Obedience, and not a Message. And I must declare unto you here, that albeit no King that ever was in *England* shal be more carefull of your **PRIVILEGES**, to maintain them to the uttermost of his power, then I shall be ; yet you must know, that in cases of Treason no person hath a priviledge, and therefore I am come to know if any of those persons that were accused are here ; for I must tell you, Gentlemen, that so long as these persons that I have accused (for no slight crime, but for Treason) are here, I cannot expect that this House can be in the right way that I do heartily wish it : Therefore I am come to tell you, that I must have them wheresoever I finde them : well, sithence I see all the Birds are flown, I do expect from you that you shall send them unto me as soone as they returne hither : But I assure you, in the word of a King, I never did intend any force, but shall proceed against them in a legall and faire way, for I never meant any other.

And now sithence I see I cannot doe what I came for, I thinke this no unfit occasion to repeat what I have said formerly ; That whatsoever I have done in favour, and to the good of my Subjects, I doe mean to maintaine it.

I will trouble you no more, but tell you, I doe expect as soon as they come to the House, you will send them to me, otherwise I must take my owne course to finde them.

F I N I S.

Die Mercurii 5 Ianuary, 1641.

Commons House of Parliament.

VV Hereas his Majesty in his Royall Person yesterday being the fourth of *Ianuary*, 1641, did come to the House of Commons attended with a great multitude of men armed in a warlike manner, with Halberts, Swords, and Pistols, who came up to the very doore of the House

House, and placed themselves there, and in other places and passages neere to the House, to the great tertour and disturbance of the Members thereof, then sitting, and according to their duty, in a peaceable and orderly manner treating of the great affairs of both Kingdoms of *England* and *Ireland*; And his Majesty having placed himself in the Speakers Chair, did demand the Persons of divers Members of the House to be delivered unto Him.

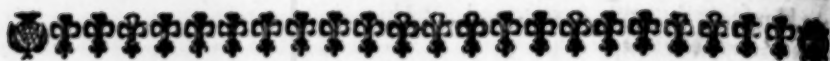
It is this day declared by the House of Commons, that the same is a high breach of the Rights and Priviledges of Parliament, and inconsistent to the Liberty and Freedom thereof: and therefore this House doth conceive they cannot with the safety of their own Persons, or the indemnity of the Rights and Priviledges of Parliament, sit here any longer, without a full vindication of so high a breach, and a sufficient Guard wherein they may confide; for which both Houses joyntly, and this House by it self, have bin humble Suitors to his Majestie, and cannot as yet obtain.

Notwithstanding which, this House being very sensible of the greatest trust reposed in them; and especially at this time of the manifold distractions of this Kingdom, and the lamentable and distressed condition of the Kingdom of *Ireland*; doth Order, that this House shall be Adjourned untill Tuesday next at one of the clock in the afternoon, and that a Committee be named by this House, and all that will come shall have voices, shall sit at the Guild-hall in the City of *London*, to morrow morning at nine of the clock, and shall have power to consider and resolve of all things that may concerne the good and safety of the City and Kingdom, and particularly how our Priviledges may be vindicated, and our Persons secured. And to consider of the Affairs and reliefe of *Ireland*; and shall have power to consult and advise with any person or persons, touching the premisses, and shall have power to send for parties, witnesses papers, and Records.

And it is further ordered, that the Committee for the Irish Affairs shall meet at the Guild-hall aforesaid, at what time they shall think fit; and consult and do touching the Affairs of *Ireland*, according to the power formerly given them by this House; and both the said Committees shall Report the Results of their consideration and Resolution to this House.

Master Chancellour of the Exchequer. M. Glyn. M. *Whitlock*. Lord *Faulkland*. Sir *Phil. Stapleton*. M. *Nath. Fines*. Sir *Ralph Hopton*. Sir *John Hotham*. Sir *Walter Earl*. Sir *Robert Cook*. Sir *Tho. Walsingham*. Sir *Samuel Roll*. M. *Perpoint*. M. *Walt. Long*. Sir *Rich. Cave*. Sir *Ed. Hungerford*. M. *Grimston*. Sir *Christ. Wray*. Sir *Ben. Rudyard*. Sir *John Heppisley*. M. *Herbert Price*. Sir *John Wray*. Sir *Thomas Barrington*. M. *Wheeler*. Sir *Wil. Litton*.

This is the Committee appointed by the former Order, and are to pursue the directions of the former Order: And all that will come are to have voices at this Committee. A



A Declaration of the House of Commons, touching a
late Breach of their Priviledges; And for the Vin-
dication thereof, and of divers Members
of the said House.

VV Hereas the Chambers, Studies, and Trunks of *M. Denzil Holles*,
Sir Arthur Haslerigg, *Master John Pym*, *Master John Hampden*,
and *Master William Strode* Esquires, Members of the House of
Commons, upon Munday the third of this instant *January*, by colour of His
Majesties Warrant have bin sealed up by *Sir William Kalligrew*, and *Sir William Flemen*, and others, which is not only against the Priviledge of Parli-
ament, but the Common Liberty of every Subject: Which said Members af-
terwards, the same day were under the like colour, by *Serjeant Francis*, one of
His Majesties Serjeants at Arms, contrary to all former Presidents demanded
of the Speaker sitting in the House of Commons, to be delivered unto him, that
he might Arrest them of high Treason. And whereas, afterwards the next day
His Majesty in His Royall Person, came to the said House attended with a
great multitude of men armed in warlike manner, with Halberts, Swords, and
Pistols, who came up to the very doore of the House, and placed themselves
there, and in other places, and passages neer to the said House, to the great ter-
rour and disturbance of the Members then sitting; and according to their duty
in a peaceable, and orderly manner, treating of the great Affaires of *England*,
and *Ireland*. And his Majesty having placed himselfe in the Speakers Chaire,
demanded of them the Persons of the said Members to be delivered unto him,
which is a high Breach of the Rights and Priviledges of Parliament, and In-
consistent with the Liberties, and Freedom thereof. And whereas afterwards
his Majesty did issue forth severall Warrants to divers Officers, under his own
hand, for the apprehension of the Persons of the said Members, which by Law
he cannot doe; there being not all this time, any Legall charge or accusation, or
due Proccesse of Law issued against them, nor any pretence of charge made
known to that House; all which are against the Fundamentall Liberties of the
Subject, and the Rights of Parliament. Whereupon we are necessitated, accord-
ing to our duty, to declare. And wee doe hereby declare, that if any Person
shall

shall Arrest Master *Hollis*, Sir *Arthur Haslerigg*, Master *Pym*, Master *Hampden*, and Master *Strode*, or any of them, or any other Member of Parliament, by pretence or colour of any Warrant issuing out from the King only, is guilty of the Breach of the Liberties of the Subject, & of the Priviledge of Parliament, and a publike enemy to the Common-wealth. And that the Arresting of the said Members, or any of them, or of any other Member of Parliament, by any Warrant whatsoever, without a legall Proceeding against them, and without consent of that House, whereof such Person is a Member is against the Liberty of the Subject, and a Breach of Priviledge of Parliament; And the Person which shall Arrest any of these Persons, or any other Member of the Parliament, is declared a publike enemy of the Common-wealth. Notwithstanding all which we think fit, further to declare that we are so far from any endeavours to protect any of our Members, that shall be in due manner prosecuted according to the Laws of the Kingdom, and the Rights and Priviledges of Parliament for Treason, or any other misdemeanours, That none shall be more ready and willing then we our selves to bring them to a speedy and due triall, being sensible that it equally imports us, as well to see Justice done against them that are Criminous, as to defend the just Rights and Liberties of the Subjects, and Parliament of *England*.

And whereas upon severall Examinations taken the seventh day of this instant *January*, before the Committee appointed by the House of Commons, to sit in *London*, it did fully appear, that many Souldiers, Papists, and others, to the number of about five hundred, came with His Majesty on Tuesday last, to the said House of Commons, armed with Swords, Pistols, and other Weapons; and divers of them pressed to the doore of the said House, thrust away the Door-keepers, and placed themselves between the said doore, and the ordinary Attendants of his Ma. holding up their Swords, and some holding up their Pistols ready cock'd neer the said doore; and saying, I am a good Marksmen, I can hit right I warrant you, and they not suffering the said doore, according to the custome of Parliament to be shut, but said they would have the doore open, and if any opposition were against them, they made no question, but they should make their party good, and that they would mayntain their party; and when severall Members of the House of Commons were coming into the House, their Attendants desiring that Room might be made for them, some of the said Souldiers answered, A Pox of God confound them, and others said, A Pox take the House of Commons, let them come and be hanged, what a do is here with the House of Commons; and some of the said Souldiers did likewise violently assault, and by force disarm some of the Attendants, and Servants of the Members of the House of Commons, waiting in the Roome next the said House, and upon the Kings return out of the said House, many of them by

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wicked Oaths, and otherwise, exprest much discontent, that some Members of the said House, for whom they came were not there, and others of them said, when comes the word, and no word being given at his Majesties coming out, they cryed a lane, a lane; afterwards some of them being demanded, what they thought the said company intended to have done, answered, That questionlesse in the posture they were set, if the word had been given, they should have falne upon the House of Commons, and have cut all their throats. Upon all which we are of opinion, that it is sufficiently proved, that the coming of the said Souldiers, Papists, and others with his Majesty to the House of Commons on Tuesday last, being the fourth of this instant *January*, in the manner aforesaid, was to take away some of the Members of the said House; and if they should have found opposition or deniall, then to have falne upon the said House in a hostile manner. And wee do hereby declare that the same was a traiterous designe against the King and Parliament. And whereas the said Master *Hollis*, Sir *Arthur Haslerigge*, Master *Pym*, Master *Hampden*, and Master *Strode*, upon report of the coming of the said Souldiers, Papists, and others in the warlike and hostile manner aforesaid, did with the approbation of the House absent themselves from the service of the House, for avoiding the great and many inconveniences, which otherwise apparantly might have hapned: Since which time a Printed Paper in the form of a Proclamation, bearing date the sixth day of this instant *January*, hath issued out for the apprehending, and imprisoning of them. Therein suggesting that through the conscience of their owne guilt, they were absent and fled not willing to submit themselves to Justice; We doe further declare that the said Printed Paper is false, scandalous and illegall, and that notwithstanding the said Printed Paper or any Warrant issued out or any other matter yet appearing against them; or any of them, they may and ought to attend the service of the said House of Commons, and the severall Committees now on foot. And that it is lawfull for all persons whatsoever to lodge, harbour, or converse with them, or any of them; And whosoever shall be questioned for the same, shall be under the protection and priviledge of Parliament.

And we do farther declare. That the publishing of severall Articles purporting a form of a charge of high Treason against the Lord *Kimbolton*, one of the Members of the Lords House, and against the said Master *Hollis*, Sir *Arthur Haslerigge*, Master *Pym*, Master *Hampden*, and Master *Strode*, by Sir *William Killigrew*, Sir *William Flemen*, and others in the Innes of Court, and elsewhere in the Kings Name, was a high Breach of the Priviledge of Parliament, a great scandall to his Majesty and his Government: A seditious Act manifestly tending to the subversion of the Peace of the Kingdome, and an injury, and dishonour to the said Members, there being no legall charge or accusation against them.

That

That the priviledges of Parliament, and the Liberties of the Subject so violated and broken, cannot be fully and sufficiently vindicated, unlesse his Majesty will be graciously pleased, to discover the names of those persons, who advised his Majesty to issue out Warrants for the sealing of the Chambers, and Studies of the said Members, to send a Serjeant at Arms to the House of Commons, to demand their said Members, to issue out severall Warrants under his Majesties own hand, to apprehend the said Members. His Majesties coming thither, in his own Royall Person. The publishing of the said Articles, and Printed Paper in the forme of a Proclamation against the said Members in such manner as is before declared; To the end that such persons may receive condigne punishment.

And this House doth further declare, That all such persons as have given any Counsell, or endeavoured to set or maintain division or dislike, between the King and Parliament, or have listed their names, or otherwise entred into any combination or agreement, to be ayding, or assisting, to any such counsell or endeavour, or have perswaded any other so to do, or that shall doe any the things above-mentioned; And shall not forth-with discover the same to either House of Parliament: Or the Speaker of either of the said Houses respectively, and disclaime it, are declared publicke enemies of the State and Peace of this Kingdome, and shall be enquired of, and proceeded against accordingly.

Die Lune 17 Januarii, 1641. It is this day ordered, by the Commons assembled in Parliament, that this Declaration shall be forth-with published in Print.

Hen. Elsing. Cler. Parl. de Com.

To the Kings most Excellent Maiesty, and the Lords and Peers now assembled in Parliament.

The humble Petition and Protestation of all the Bishops and Prelates now called by his Majesties Writs to attend the Parliament, and present about London and Westminster, for that service.

THat whereas the Petitioners are called up by severall and respective Writs, and under great penalties, to attend in Parliament, and have a cleere and

indubitate Right to Vote in Bills, and other matters whatsoever, debateable in Parliament, by the ancient Customes, Laws, and Statutes of this Realm, and ought to be protected by your Majesty, quietly to attend and prosecute that great Service.

They humbly remonstrate and protest before God, your Majesty and the Noble Lords and Peers now assembled in Parliament, That as they have an indubitate Right to sit and Vote in the House of the Lords, so are they (if they may be protected from force and violence) most ready and willing to performe their Duties accordingly. And that they do abominate, all Actions or Opinions, tending to Popery, and the mayntenance thereof; as also, all propension and inclination to any malignant party, or any other side or party whatsoever, to the which their own Reasons and Consciences shall not move them to adhere.

But whereas they have bin at severall times violently Menaced, Affronted, and Assaulted by multitudes of people, in their coming to performe their Services in that Honourable House; and lately chased away, and put in danger of their lives, and can find no redresse or protection, upon sundry complaints made to both Houses in these particulars.

They likewise humbly protest before your Majesty, and the Noble House of Peers, That saving unto themselves all their Rights and Interests of Sitting and Voting in that House at other times, they dare not Sit or Vote in the House of Peers, untill your Majesty shall further secure them from all Affronts, Indignities and dangers in the premisses.

Lastly, Whereas their fears are not built upon Phantasies and Conceits, but upon such Grounds and Objects, as may well terrifie men of good Resolutions, and much Constancy. They doe in all duty and humility, protest before your Majesty, and the Peers of that most Honourable House of Parliament, against all Laws, Orders, Votes, Resolutions, and Determinations, as in themselves Null, and of none effect; which in their absence, since the 27 of this instant Moneth of *December*, 1641, have already passed; as likewise against all such as shall hereafter passe in that most Honourable House, during the time of this their forced and violent absence from the said most Honourable House; not denying, but if their absenting of themselves were wilfull and voluntary, that most Honourable House might proceed in all these premisses, their absence or this their Protestation notwithstanding.

And humbly beseeching your most Excellent Majesty to command the Clerk of that House of Peers, to enter this their Petition and Protestation amongst his Records.

They will ever pray to God to blasse and preserve, &c.

10. Eborac. Thomas Duresme. Robert Co. Lich. 10f. Norwich. 10. Asaphen. Guil. Ba. & Wells. Geo. Hereford. Rob. Oxon. Ma. Ely. Godfr. Glouc. 10. Peterburg. Mar. Llandaff.

Vera Copia Jo. Brown Cleric. Parliament.

THe House of Lords was pleased on the thirtieth of *December*, to send a Message to the House of Commons, by Sir *John Banks*, and Judge *Reeves*, to desire a present Conference, by a Committee of both Houses, touching matters of dangerous and high consequence.

And at the Conference, the Lord Keeper, in the name of the House of Peers, delivered as followeth :

That this Petition and Protestation of the twelve Bishops, containyng matters of high and dangerous Consequence, and such as my Lords are very sensible of: and such as require a speedy and sudden Resolution; it extending to the deep entrenching upon the Fundamentall Priviledges and Being of Parliament. Therefore the Lords have thought fit, that this matter, concerning the whole Parliament, may be communicated to the House of Commons; It being a thing of so great and so generall Concernment.

This being thus communicated to the House of Commons, they came to this Resolution. To accuse these twelve Bishops of high Treason, for endeavouring to subvert the fundamentall Laws and Being of Parliaments.

And Master *Glyn* was ordered to goe to the Lords, and at their Bar, in the name of the House of Commons, and all the Commons of *England*, To accuse these 12 Prelats of high Treason, for endeavouring to subvert the Fundamentall Laws of the Realm, and the very Being of Parliaments, manifested by preferring that Petition and Protestation; And to desire the Lords that they may be forthwith sequestred from Parliament, and put into safe Custody; and that their Lordships would appoint a speedy day for the Commons to charge them, and they to answer, for that the Commons were ready to make good their Charge.

He was further ordered to give the Lords thanks for communicating this Petition, with so much affection and speed, & for expressing their sense thereof.

After M. *Glyn* had delivered this at the Bar, the Lords sent the Black Rod instantly, to find out these Bishops, and apprehend them; and by eight of the clock at night, they were all taken and brought upon their knees to the Bar, and ten of them committed to the Tower; and two (in regard of their Age and indeed of the worthy parts of one of them, the learned Bishop of *Durham*) were committed to the Black Rod.

A Proposition or MESSAGE, sent the 31. of
December 1641. to His
MAJESTIE,

By the House of Commons for a Guard.

Most gracious Sovereigne,

WEE are sent by the Knights, Citizens, and Burgeses of the House of Commons, your faithfull and loyall Subjects (who are ready to lay downe their lives and fortunes, and spend the last drop of their blood to maintaine your Crowne and Royall Person in greatnesse and glory, and doe by us cast them'selves downe at your Royall feet) to present unto your Majestie their humble desires upon their great apprehensions, and just feares of mischief is designed and practised to ruine and destroy them. There have been severall attempts heretofore to bring destruction upon their whole Body at once, and threats and menaces against particular persons. There is a malignant party bitterly invenomed against them, daily gathering strength and confidence, and now come to such height as they have given boldnesse to some to inbrue their hands in the blood of your Subjects, in the face, and at the doores of the Parliament, and at your Majesties owne gates, and have given out insolent and menacing speeches against the Parliament it selfe. This causeth great distractions among the people in generall, and much feare and apprehension in the House of Commons; That they conceive they cannot with the safetie of their persons (upon which the safetie and peace of the whole Kingdome doth now depend) sit any longer unarmed and unguarded, as they are. They have therefore their recourse unto your Majestie, most humbly beseeching you, that it may stand with your good liking, if they provide for their owne safetie, which the very law of Nature and Reason doth allow unto them; It is their humble desire, that they may have a Guard out of the City of London, commanded by the Earle of Essex, Lord Chamberlaine of your Majesties Household, of whose fidelitie to your Majestie and the Commonwealth they have had long experience. By this your Majesties Grace and Favour, you will remove their feares, fill them with comfort and assurance, and enable them to serve your Majesty in such a way as shal render your Majesty and your Government happy and glorious. And to this they do most humbly desire your Majesties gracious and speedy Answer, because their safetie, and the safetie of the whole Kingdome depends upon it, and will not admit of any delay.

His Majesties Answer to the Message, or Proposition, sent the last of December past by the House of Commons for a Guard.

WE have taken the last Message from you, touching your desire of a Guard. into serious consideration, and truly with great grief of heart (that after a whole years sitting of this Parliament, wherein you have obtained those things, for the happiness and security of your selves, and the rest of Our Subjects, as no age can equally instead of reaping in Peace and tranquillity the fruits of your Labours, and of Our Grace and affection to Our People, We should finde jealousies, Distrusts, and Fears still so prevalent amongst you, as to induce you to declare them unto Vs, in so high a measure as you have done at this time.

We are wholly ignorant of the Grounds of your Apprehensions, but this We do Protest before Almighty God (to whom We must be accountable for those, whom he hath intrusted to Our care and Protection) that had we any knowledge, or belief of the least designe in any, of Violence, either formerly, or at this time, against you, We would pursue them to condigne punishment, with the same severity and detestation, that We would do the greatest attempt upon Our Crown.

We know the duty of that place where God hath set Vs, the Protection We owe to all Our Loyall Subjects, and most particularly to you, called to Our Service by Our Writs; And We do ingage unto you solemnly the word of a King, That the security of all and every one of you from violence is and shall ever be as much Our care, as the Preservation of Vs and Our Children.

And if this generall Assurance shall not suffice to remove your Apprehensions We will command such a Guard to wait upon you, as We will be responsible for to Him, who hath charged Vs with the Safetie and Protection of Our Subjects.

WHITEHALL, 3. Jan. 1641.

FINIS.

To the Kings most excellent Majesty.

The humble Petition of the Major, Aldermen, and Common-councell, of the Citie of London.

May it please Your most Excellent Majesty; The often expressions of Your most gracious acceptance of the manifestation of the Petitioners duty and loyalty, and the frequent Declarations of Your Majesties great

great care of the good and welfare of this City, and of the true Protestant Religion, and of protecting and preserving the Persons and Priviledges of Your great Councell assembled in the high Court of Parliament: Each encouraged the Petitioners to represent the great Dangers, Fears, and Distractions wherein the City now is, by reason of the prevailing progresse of the bloody Rebels in *Ireland*, fomented, and Acted by the Papists and their Adherents, and want of Aid to suppress them, and the severall intimations they have had both Foreign and at Home, of the driving on of their Designes, tending to the utter ruine of the Protestant Religion, and of the Lives and Liberties of Your Majesties loyall Subjects, the putting out of Persons of Honour and trust from being Constable and Lievtenant of the Tower, especially in these times, and the preparations there lately made, the fortifying of *White-hall* with men and Munition in an unusuall manner: Some of which men with provoking language and violence, abused divers Citizens passing by, and the drawing divers swords, and therewith wounding sundry other Citizens in *Westminster-hall*, that were unarmed: the late endeavours used to the Innes of Court, the calling in divers Canoniers, and other assistance into the Tower, the late Discovery of divers fire-works in the hands of a Papist, and the misunderstanding betwixt Your Majesty and Parliament, by reason of misinformation, as they humbly conceive,

Besides all which the Petitioners fears are exceedingly encreased by Your Majesties late going into the House of Commons attended with a great multitude of armed men besides Your ordinary Guard, for the apprehending of divers Members of that House, to the endangering of Your Sacred Person, and of the Persons and Priviledges of that Honourable Assembly.

The effects of all which Fears and, not only to the overthrow of the whole Trade of this City and Kingdome, which the Petitioners already feel in a deep measure; but also threatens the utter ruine of the Protestant Religion, and the Lives and Liberties of all Your Loyall Subjects.

The Petitioners therefore most humbly pray Your Sacred Majesty, That by the advice of Your great Councell in Parliament, the Protestants in *Ireland* may be speedily relieved, The Tower put into the hands of Persons of trust: That by removall of doubtfull and unknown persons from about *Whitehall* and *Westminster*, a known and approved Guard may be appointed for the safety of Your Majesty and Parliament, and that the Lord *Mandevill* and the five Members of the House of Commons lately accused, may not be restrained of liberty, or proceeded against, otherwise then according to the Priviledges of Parliament.

And the Petitioners (as in all duty bound) shall pray for Your Majesties most long and happy Reign, &c.

His

His Majesties Answer to the Petition of the Major, Aldermen and Common-councill of the City of London.

His Majesty having fully considered the matter of this Petition, is graciously pleased to declare, that being unalterably resolved to make good all His Expressions and Declarations of His care of this City, Of the true Protestant Religion, and of the Priviledges of Parliament; His Majestie takes in good part, the intimation given by the Petitioners of the fears and distractions wherein the City now seems to be. And though Hee conceives Hee did on Wednesday at the Guildhall satisfie most of those particulars, is pleased to adde this further Answer.

1 That for the sad businesse of *Ireland*, His Majesty cannot possibly expresse a greater sence then Hee hath done, there being nothing left on His Majesties part-unoffered or undone. And He hoped by the speedy advice and assistance of His Parliament, that great and necessary Worke would be put in a just forwardnesse, to which his Majesty will contribute all His power: And how zealous He is and hath been therein, will appear in a Declaration speedily to be set forth by His Majesty.

2 For the Tower: His Majesty wonders, that having removed a Servant of good Trust and Reputation, from that Charge, onely to satisfie the fears of the City, and put in another of unquestionable Reputation, and known ability, the Petitioners should still entertain those fears; and what-ever preparation of Strength is there made, is with as great an Eye of safety and advantage to the City, as to his Majesties own Person, and shall be equally employed to both.

3 For the fortifying of *White-hall* with Men and Munition in an unusuall way: His Majesty doubts not, but the Petitioners have observed the strange provocation He hath received to entertain that Guard: That by the disorderly, and tumultuous conflux of people at *Westminster* and *White-hall*, his Majesties great Councell was not onely disquieted, but his own Royall Person in danger, most seditious language being uttered even under His own windows, whilst the examination and punishing such Tumults by the course of Law were interrupted and stopped. And if any Citizens were wounded or ill intreated, His Majesty is confidently assured, that it hapned by their owne evill and corrupt demeanours.

4 His Majesty knows no other endeavours to the Innes of Court, then a gracious Intimation, That He received the tender of their loyall and dutifull Affections

tions with very good Approbation and Acceptance, and an encouragement given them to continue the same upon all occasions. Neither doth His Majesty know, what discovery hath been lately made of Fire-works in the hands of any Papist.

5 For his going to the House of Commons (when his attendants were no otherwise armed then as Gentlemen with swords) his Majesty is verily perswaded. That if the Petitioners knew the cleer grounds upon which those persons stand accused of high Treason, and what will be proved against them (which in due time they shall be acquainted with) and considered the gentle way his Majesty took for their apprehension (which hee preferred before any course of violence, though that way had been very justifiable; for his Majesty is very well assured that it is notoriously knowne, That no priviledge of Parliament can extend to Treason, Felony, or breach of the Peace) the Petitioners would believe his Majesties going thither was an Act of grace and favour to that House, and the most peaceable way of having that necessary service for the apprehension of those persons performed; specially, if such Orders have been made (which his Majesty is not willing to believe) for the resistance of all lawfull Authority, as are discouried of.

6 And for the proceedings against those Persons mentioned in the Petition, his Majesty ever intended the same should be with all justice and favour according to the Laws and Statutes of the Realm; to the which all innocent men would cheerfully submit.

And this extraordinary way of satisfying a Petition of so ununsuall a nature, his Majesty is confidently perswaded, will be thought the greatest instance can be given of his Majesties cleer intention to his Subjects, and of the singular estimation he hath of the good affections of this City, which he believes in gratitude will never be wanting to his just Commands and Service,

FINIS.

By the King.

A proclamation for a generall Fast throughout
this Realm of England.

His Majesty taking into His Princely and pious consideration the lamentable and distressed estate of His good Subjects in His Kingdoms of England

Kingdom of Ireland, and conceiving it to be a iust and great occasion calling upon Him, and His people of this His Kingdom of England for a generall humiliation of all estates of this Kingdom before Almighty God, in Prayer and Fasting, for drawing down His mercy and Blessing upon that Kingdom: His Maiestie doth therefore by this His Proclamation straitly charge and command, that a Generall, Publike, and Solemn Fast be kept, and holden, as well by abstinence from Food, as by publike Prayers, preaching, and Hearing of the Word of God, and other sacred duties, in all Cathedrall, Collegiate, and Parish Churches and Chappels within this His Maiesties Kingdom of England, and Dominion of Wales (His Maiesties Cities of London and Westminster onely excepted, where it hath already been obserued) on the twentieth day of this present moneth of January.

And His Maiestie doth further by this His Proclamation straitly charge and command, that a Generall, Publike, and Solemn Fast be kept and holden as well by abstinence from Food, as by publike Prayers, preaching, and Hearing of the Word of God, and other sacred Duties, in all Cathedrall, Collegiate, and Parish Churches, and Chappels within this Kingdom of England and Dominion of Wales (without any exception) on the last Wednesday of the moneth of February next following the date hereof, and from thenceforth to continue on the last Wednesday of every moneth during the Troubles in the said Kingdom of Ireland. All which His Maiestie doth expressly charge and command shall be reverently and devoutly performed by all His loving Subjects, as they tender the favour of Almighty God, and would avoid His iust indignation against this Land, and upon pain of such punishments as His Maiestie can iustly inflict upon all such as shall contemn or neglect so religious a Work.

Given at the Court at Whitehall the eighth day of January, in the seventeenth yeer of His Majesties Reign of great Britain, France, and Ireland.

God save the King.

The Kings Message to both Houses.

January 12, 1641.

His Majesty taking notice that some conceive it disputable whether His proceedings against my Lord *Kymbelion*, Master *Hollis*, Sir *Arthur Haslerig*, Master *Pym*, Master *Hampden*, and Master *Strade*, be legall and agreeable to the Priviledges of Parliament, and being very desirous to give satisfaction to all men in all matters that may seeme to have relation to Priviledge, is pleased to wave his former Proceedings: and all doubts by this means

H

being

being settled, when the mindes of men are composed, his Majesty will proceed thereupon in an unquestionable way: And assures his Parliament that upon all occasions he will be as carefull of their Priviledges as of his Life or his Crown.

To the Kings most Excellent Majesty.
The humble Petition of the Inhabitants of the
County of *Buckinghamshire*.

Sheweth,

THat your Petitioners having by vertue of your Highnesse Writ chosen *John Hampden* Knight for our Shire, in whose loyalty we his Country-men and Neighbours have ever had good cause to confide: However of late, to our no lesse amazement then grief, we find him with other Members of Parliament, accused of Treason: And having taken to our serious consideration the manner of their Impeachment, we cannot but (under your Majesties favour) conceive that it doth so oppugne the Rights of Parliament, to the maintenance whereof our Protestation binds us, that wee believe it is the malice, which their zeal to your Majesties Service and the State, hath contracted in the enemies to your Majesty, the Church, and Common-wealth, hath occasioned this foul Accusation, rather then any defects of theirs, who doe likewise through their fides wound the Judgment and Care of us your Petitioners, and others, by whose choice they were presented to the House.

Your Petitioners therefore most humbly pray, that Master Hampden, and the rest that lie under the burden of that Accusation, may enjoy the just Priviledges of Parliament.

And your Petitioners shall ever pray, &c.

Windsor, 13 Jan. 1641.

HIS Majesty being graciously pleased to let all his Subjects understand his care, not knowingly to violate in the least degree any of the Priviledges of Parliament, hath therefore (lately) by a Message sent by the Lord Keeper, signified, That he is pleased, because of the doubt that hath been raised of the manner, to Wave his former proceedings against Master *Hampden* and the rest mentioned in this Petition; concerning whom, his Majesty intends to proceed in an unquestionable way, And then his Majesty saith, It will

will appear, that he had th sufficient grounds to question them, as he might doe
in Justice to the Kingdome, and honour to himselfe, have forborne: And yet His
Majesty had much rather that the said Persons should prove innocent, then be
found guilty: However hee cannot conceive that their Crimes can in any sort
reflect upon those his good Subjects, who elected them to serve in Parliament.

Die Iovis 13. Ianuarii, 1641.

VV Hereas Information hath been given to the Parliament, that the
Lord Digby (sonne to the Earle of Bristol) and Colonel Laus-
ford, with others, have gathered Troops of Horse, and have ap-
peared in a warlike manner at *Kingstone upon Thames* in the County of *Surrey*,
(where the Magazine of Arms for that part of the County lyes) to the ter-
rour and affright of His Majesties good Subjects, and disturbance of the pub-
like weal of the Kingdom:

It is this day ordered by the Lords and Commons in Parliament, That the
Sheriffs of the severall Countiees of *England* and *Wales*, calling to their assistance
the Justices of the Peace, and the trained Bands of those severall Countiees (or
so many of them as shall be necessary for the service) shall suppress all unlaw-
full Assemblies gathered together to the disturbance of the publike Peace of the
Kingdom in their severall Countiees respectively: And that they take care to
secure the said Countiees, and all the Magazines in them.

Die Feneris, viz. 14. die Jan. 1641.

*Ordered by the Lords in Parliament that this Order be printed and published in
all the Market-towns in this Kingdom.*

John Brown. Cler. Parliament.

His Majesties Profession and Addition to His last Message to the Parliament.

January 14, 1641.

His Majesty being no lesse tender of the Priviledges of Parliament, and
thinking himself no lesse concerned, that they be not broken, and that
they be asserted and vindicated whensoever they are so, then the Parlia-
ment it self, Hath thought fit to adde to his last Message, this Profession, That in

all his proceedings against the Lord *Kymbolton*, Master *Hollis*, Sir *Arthur Haslerig*, Master *Pym*, Master *Hampden*, and Master *Strode*, He had never the least Intention of violating the least Priviledge of Parliament; And in case any doubt of breach of Priviledges remayne, will be willing to cleer that, and assert those, by any reasonable way that His Parliament shall advise Him to. Upon confidence of which, He no way doubts His Parliament will forthwith lay by all Jealousies, and apply themselves to the publike and pressing Affairs, and especially to those of *Ireland*, wherein the good of this Kingdom, and the true Religion (which shall ever be His Majesties first care) are so highly and so neerly concerned: And His Majestie assures himselfe, that His care of their Priviledges will increase their tenderesse of His lawfull Prerogative, which are so necessary to the mutuall defence of each other; and both which will be the foundation of a perpetuall perfect Intelligence betweene His Majesty and Parliaments, and of the happinesse and prosperity of his people.

The Questions propounded to Master Attourney General,
By the House of Commons, and his Answer
thereunto.

Question 1.

VV Hether did you contrive, frame, or advise the saide Articles, or any of them?

Answer.

I will deal ingenuously and freely, and shall say the same which before I did to your Lordships; I need no long time to answer this: I did none of these three, neither contrive, frame, or advise these Articles, or any of them, and will be content to die if I did it.

Question 2.

Whether doe you know the truth of the said Articles, or any of them in your owne knowledge, or by information?

Answer.

I doe know nothing of my own knowledge of the truth of this, nor of any particular, nor have heard by information; This I speake upon the truth of an honest man, and nothing was ever said unto mee of this, but by my Master the King.

Question 3.

Whether will you undertake to make good the said Articles, or any of them when you shall be thereunto called by due course of Law?

Ans.

Answer.

By my former expression you may discern what answer I can make to this; I cannot undertake to make one tittle good in them, otherwise then my Master shall command me and enable me, for of my self I cannot, nor will not, no more than one that never heard of them.

Question 4.

From whom received you these Articles, and by whose direction and advice did you exhibit them?

Answer.

It was by my Master the King his expresse command I did exhibit them, from his hand I did receive them.

Question 5.

Whether had you any testimony or proof of these Articles before the exhibiting of them.

Answer.

For the exhibiting of these Articles I received his Majesties command.

To which Answer Master Serjeant *Wilde* replied, the House of Commons desires you to answer whether you had any prooffe or testimony, or any information of any proof of these Articles, they in no kind desire to know what you had. To this Master Attourney answered, there is nothing in this world that I shall not be most ready to, but this I desire time to consider of, in regard of a trust between a Master and Servant.

Die Sab. 15, Ian. 1641.

It is resolved by the House of Commons, since the said Answer of Master Attourney Generall, That he hath broken the priviledge of Parliament, in preferring the said Articles, and that the same is illegall. and he criminous for so doing; and that a charge be sent up to the Lords in the name of the House of Commons, against Master Attourney to have satisfaction for this great scandall and injury to the Members thereof unlesse by Thursday next, he bring in his prooffe, and make good (if he can) the said Articles against the said persons, or any of them.

His Majesties Letter to the Lord Keeper of the great Seal of England.

Concerning Sir *Edward Herbert Knight*, &c.

CHARLES Rex,

Right trusty and welbelovéd Councillor, Wee greet you well, and have thought good hereby to certifie that We did the third of *January* last, deliver to Our Attourney certain Articles of Accusation ingrossed in paper,

a Copy wherof We have sent here inclosed and did then command him in Our Name, to acquaint Our House of Peers, that divers great and Treasonable designs and practices against us and the State had come to *Our knowledge*; for which We commanded him, in Our Name, to accuse the six persons in the said paper mentioned of High Treason, and other high misdemeanors by delivering the paper to Our said House, and to desire to have it read, and further to desire in Our name, that a Select Committee of Lords, might be appointed to take the examinations of such Witnesses as Wee would produce, and as formerly had been done in cases of like Nature, according to the Justice of the House, and the Committee to be under a command of secrecy as formerly, and further in Our Name to aske liberty, to adde and alter if there should be cause; We do further declare that Our said Attourney, *did not advise* or contrive the said Articles, nor had any thing to do with, or in advising any breach of Priviledge that followed after, And for what hee did in obedience to Our commands, We conceive he was bound by oath, and the duty of his place, and by the trust, by Us reposed in him so to doe; And had he refused to obey Us therein, We would have questioned him for breach of Oath, Duty, and Trust,

But now having declared, that we find cause wholly to desist from proceeding against the persons accused, Wee have commanded him to proceed no further therein, nor to produce nor *discover* any proof concerning the same.

Given at *Royston*, the fourth of *March*, 1641.

His Maiesties Message : sent to both Houses of Parliament, 20. *January* 1641.

HIS Majestie: perceiving the manifold distractions which are now in this Kingdome, which cannot but bring great inconvenience. and mischief to this whole Government; In which. as His Majestie is most chiefly interested, so He holds himselfe by many Reasons, most obliged to doe what in Him lies, for the preventing thereof; Though he might justly expect (as most proper for the duty of Subjects) that Propositions for the remedies of these Evils, ought rather to come to Him then from Him; yet His fatherly care of all His people being such, that He will rather lay by any particular respect of His owne Dignity, then that any time should be lost for prevention of these threatening Evils, which cannot admit the delays of the ordinary proceedings in Parliament; doth thinke fit to make this ensuing Proposition to both Houses
of

of Parliament: That they will with all speed fall into a serious consideration of all those particulars, which they shall hold necessary, as well for the upholding and maintaining of his Majesties just and Regall Authority, and for the settling of His Revenue: As for the present and future establishment of their Priviledges; The free and quiet enjoying of their Estates and Fortunes; The Liberties of their Persons; The securitie of the true Religion now professed in the Church of England; And the settling of Ceremonies, in such a manner as may take away all just offence. Which when they shall have digested, and composed into one entire body, that so His Majestie and themselves may be able to make the more cleare Judgement of them; it shall then appeare by what his Majestie shall do, how far He hath been from intending or designing any of those things, which the two great Feares and Jealousies of some Persons seem to apprehend; And how ready He will be to equall and exceed the greatest Examples of the most indulgent Princes in their Acts of Grace and Favour to their people. So that if all the present Distractions (which so apparantly threaten the ruine of this Kingdome) doe not (by the blessing of Almighty God) end in an happy and blessed accomodation; His Majestie will then be ready to call Heaven and Earth, God and Man to witnesse, that it hath not failed on His part.

Die Iovis 20. Ianuarii. 1641.

Lords House,

VV Hereas the Lords in the upper house of Parliament, doe find that there are many Petitions concerning private persons depending now before their Lordships, and conceive that many more may be brought into that House, if timely advertisement be not given to the contrary, which may occasion the Repaire and Attendance of divers of his Majesties loving Subjects upon their Lordships, who cannot give a dispatch to private busineses, by reason of the many publicke and great Affaires that now lie before them, concerning the Safety and Weale of his Majesties Kingdomes;

It is therefore thought fit, and so Ordered by the Lords in Parliament, That all private busineses shall be hereby deferred and put off, untill the 21. of March next; Whereof this House doth hereby give notice to all his Majesties loving people, to prevent the charge and trouble, which otherwise the Petitioners might be put unto in repairing unto this House at this time.

His

His Majesties Letter *January the 24.*
 In Answer to the Petition of both Houses of Parliament, as
 it was presented by the Earle of *Newport*, and the
 Lord *Seymer*. *Ian. 21. 1641.*

His Majesty having seene and considered the Petition presented unto *Him*, the one and twentieth of this instant, by the Earle of *Newport*, and the Lord *Seymer*, in the Names of both *Houses* of Parliament. Is pleased to returne this Answer. That *Hee* doth well approve of the desire of both *Houses*, for the speedy proceeding again^t the persons mentioned in the Petition; whereof *His Majesty* finding the great inconveniences by the first mistake in the way, hath endured some delayes, that *He* might be informed in what Order to put the same; But before that that be agreed upon, *His Majesty* thinks it un-usuall, or unfit to discover what prooffe is against them, and therefore holds it necessary, lest a new mistake should breed more delayes, (which *His Majesty* to *His* power will avoid.) That it be resolved whether *His Majesty* be bound in respect of Priviledges to proceed again^t them by impeachment in Parliament; Or whether *He* be at liberty to preferre an Inditement at the Common Law, in the usuall way, or have *His* choice of either: Whereupon *His Majesty* will give such speedy directions for Prosecution, as shall shew *His Majesties* desire to satisfie both *Houses*, and to put a determination to the businesse.

Scots Commissioners Proposition 24. *Ian. 1641.*

Touching the sending of the 2500. men
 into IRELAND.

Concerning the Proposition made to Us 22^o *Januarie* from the Committees of both Houses for the Transporting presently to *Ireland*, of the 2500. men now on foot in *Scotland*; We having no Instruction for that end, cannot by Our selves condescend otherwise then upon the closure of the Treatie: but shall most heartily represent it to the Councell of *Scotland*, and second the same with our earnest desires, that every thing may be done, which may contribute to the preservation of that Kingdome, and may testifie our Brotherly affection to this. And that we may be the more able to move the Councell to condescend to the same, We desire the Propositions following to be granted.

1. That

1.
That provision of Victuals be presently sent to *Carrickfergus*, to be sold to our souldiers at reasonable rates, answerable to their Pay.

2.
That an Order be set downe how they shall be paid there, and from whom they may require the same.

3.
That they have the Command and keeping of the Towne and Castle of *Carrickfergus*, with power to them to remaine still within the same, or to enlarge their Quarters, and to goe abroad in the Countrey upon such occasions, as their Officers in their discretion shall thinke expedient for the good of that Kingdome. And if it shall be thought fit, that any Regiments, or Troopes in that Province shall joyne with them, that they receive Orders from the Commanders of our Forces.

4.
That provision of Match, Powder and Ball be presently sent to *Carrickfergus*, and what Armes, Ammunition, or Artillery, shall be sent over with them from *Scotland* that the like quantitie be sent from hence to *Scotland*, whensoever the same shall be demanded.

5.
That a part of the 30000. pounds of the brotherly Assistance be presently advanced to Us, which although in a just proportion to these men, it will amount but to 7500. pounds, yet for the better furthering of the Service, wee desire 10000. pounds, if it may stand with your convenience.

6.
That their Pay which was condescended unto from the eighth of *December*, be presently advanced to the eighth of *February* next, against which time we are confident, they shall be ready to march.

7.
That a man of warre, or some Merchants Ships, be sent from *Bristol*, *Westchester*, or *Dublin*, to *Lochryan*, for a safe Convoy and Guard of the Passage, because they being in open Boats, may be subject to inconveniencies from the enemy, whose Fregats we heare are towards that coast.

8.
That the sending over of these men be without prejudice to the proceeding of the Treaty, which we desire may goe on without any delay.

Westm. 24. Jan. 1641.

Ja. Prymrose.

Resolved

Resolved, that the house of Commons doth agree unto these particular Propositions now presented from the Scots Commissioners.

Ordered, that the house of Peeres agreeeth with the house of Commons unto these Propositions from the Scots Commissioners in every particular.

His Majesties Answer to the Proposition above mentioned, given the 26 of Jan. 1641. at Windsor.

HIS Majestie having perused and considered these eight Propositions presented by the Scots Commissioners, doth willingly consent to them all, except onely the third, which his Majestie doth not approve, and wisheth the Houses to take that Article again into consideration, as a businesse of very great importance, which His Majesty doubts may be prejudiciall to the Crowne of *England*, and the service intended : And if the Houses desire it, His Majestie shall not be unwilling to speake with the Scots Commissioners, to see what satisfaction He can give them therein.

His Majesties further Answer to the third Article of the said Proposition of the Scots Commissioners, resolved on the 26, and given the 27 of January, 1641. at Windsor.

After that his Majesty had (yesterday) sent His opinion concerning the Articles which the Scots Commissioners gave in, touching the present supplies to be sent for *Ireland*, they themselves waited on him, their chief Errand being the self-same businesse ; Whereupon his Majesty thought it fit to perswade them (as much as he could) to alter the third Article, because he conceived it might be a prejudice to the Crown of *England*, the particulars whereof were too long to relate : Their onely Argument that weighed with him, being, That (since it was agreed upon by both Houses of Parliament, and that the strength of his Majesties Argument was, that Article implied too great a Trust for Auxiliary Forces) they were in good hope, that his Majesty being their native King, would not shew lesse trust in them, then their Neighbour Nation. So that the Question being (meerly) of Trust, and that both Houses of Parliament have thought fit to grant it (though his Majesty could wish that that third Article were drawne more for the advantage of the Crowne of *England*, then

then he conceives it is) his Majesty cannot but wholly admit of the Advice of his Parliament in this particular, especially since his Majesty perceives, that insisting upon the same would breed a great delay in the necessary supply of his Kingdom of *Ireland*.

FINIS.

To the Kings most Excellent M A J E S T Y.

The humble Petition of the Knights, Citizens, and Burgeses of the Commons House now in Parliament assembled.

Humbly sheweth,

THAT whereas the Houses of Parliament have received a gracious Message from your Majestie, dated the twentieth day of this instant January, your Petitioners returne to your Majestie most humble thanks, resolving to take it into speedy and serious consideration. And to inable them with security to discharge their Duties therein, they desired the House of Peers to joyne with them, in humbly beseeching your sacred Majestie to raise up unto them a sure ground of safetie and confidence, by putting the Tower, and other principall Forts of the Kingdome, and the whole *Militia* thereof, into the hands of such Persons as your Parliament might confide in, and as should be recommended unto your Majestie by both Houses of Parliament: that all Feares and Jealousies being laid aside, they might with all cheerfulness proceed to such Resolutions, as they hoped would lay a sure foundation of Honour, Greatness, and Glory to your Majestie, and your Royall Posteritie; and of Happinesse and Prosperity unto your Subjects thorowout all your Dominions. Wherein the House of Peers have refused to joyne with your Petitioners; They notwithstanding not way discouraged, but confiding in your Majesties Goodnesse to your people, doe therefore make their humble addresse to your Majestie, to beseech you, That the Tower of *London* and other principall Forts, and the whole *Militia* of the Kingdome may be put into the hands of such persons as shall be recommended unto your Majestie by your Petitioners; not doubting but they shall receive a gracious and speedy Answer to this their humble desire, without which, in all humane Reason, the great distractions of this Kingdome must needs overwhelm it with miserie and ruine.

And your Petitioners shall ever pray, &c.

His Majesties Answer to the Petition of the Commons
House, January 28. 1641.

HIS Majestie having seriously considered of the Petition presented to Him from the house of Commons, on Wednesday the twenty sixth of this Moneth, Returns this Answer;

That he was in good hope His gracious Message of the twentieth of this Moneth to both Houses, would have produced some such overture, which by offering what is fit on their parts to doe, and asking what is proper for His Majestie to grant, might beget a mutuall confidence in each other.

Concerning the Tower of *London*, His Majesty did not expect, that having preferred a person of a knowne Fortune, and unquestionable Reputation to that Trust, He should be pressed to remove him, without any particular charge objected against him; and therefore returns this Answer;

That if upon due examination, any particular shall be presented to His Majestie, whereby it may appeare, that His Majestie was mistaken in His opinion of this Gentlemen, and that he is unfit for the Trust committed to him, His Majestie will make no scruple of discharging him: But otherwise his Majestie is obliged in justice to himselfe, to preserve his owne worke, lest His favour and good Opinion, may prove a disadvantage and misfortune to his Servants, without any other Accusation: Of which His Majestie doubts not His house of Commons will be so tender (as of a businesse wherein his Majesties honour is so much concerned) that if they finde no materiall exception against this Person, they will rather indeavour to satisfie and reforme the feares of other men, then by complying with them, presse his Majestie to any Resolution which may seeme so much to reflect upon his Honour and Justice.

For the Forts and Castles of the Kingdome, His Majestie is resolved that they shall alwayes be in such hands (and onely such) as the Parliament may safely confide in; but the nomination of any Persons to those Places (being so principall and inseparable a Flower of his Crowne, vested in Him, and derived unto Him from His Ancestors, by the fundamentall Lawes of the Kingdome) He will reserve to Himselfe; in bestowing whereof, as his Majestie will take care that no corrupt or sinister courses shall prevaile with Him: so He is willing to declare, That He shall not be induced to expresse that favour so soone to any persons, as to those whose good demeanour shall be eminent in, or to His Parliament. And if He now hath, or shall at any time by mis-information confer such a Trust upon an undeserving Person, He is, and will alwayes be ready to leave him to the Wisedome and Justice of his Parliament.

For

For the *Militia* of the Kingdome, (which by the Law is subject to no command, but of His Majesty, and of Authority lawfully derived from Him) when any particular course, for the ordering the same (which his Majesty holds very necessary for the peace and security of His Kingdom) shall be considered and digested by His Parliament, and proposed to His Majesty; His Majesty will returne such an Answer, as shall be agreeable to His Honour, and the safety of His People, His Majesty being resolved onely to deny those things, the granting whereof would alter the fundamentall Lawes, and endanger the very foundation, upon which the publick happinesse and welfare of his People is founded and constituted, and would nourish a greater and more destructive Jealousie between the Crown and the Subject, then any of those which would seem to be taken away by such a satisfaction.

And his Majesty doth not doubt, that his having granted more then ever King hath granted, will ever perswade his house of Commons to ask more then ever Subjects have asked. And if they shall acquaint his Majesty with the particular Grounds of their Doubts and Feares, Hee will very willingly apply Remedies proportionable to those Feares; For his Majesty calls God to witnes, that the preservation of the publick peace, The Law, and the Liberty of the Subject, is, and shall always be as much his Majesties care and industry, as of his life, or the Lives of his dearest children.

And therefore his Majesty doth conjure his house of Commons, by all the Acts of Duty and Favour they have received from him this Parliament; By their hopes of future happinesse in his Majesty, and in one another; By their love of Religion, and the peace of this Kingdome (in which that of *Ireland* cannot be forgotten) That they will not be transported by Jealousies and Apprehensions of possible dangers, to put themselves or his Majesty, into reall and present inconveniencies, but that they will speedily pursue the way proposed

by his Majesties former Message, which in humane Reason is the onely

way to compose the Distractions of the Kingdome, and with

Gods blessing will restore a great Measure of
Elicitie to King and People.

Die

Die Sabbathi 29; Ianuarii, 1641.

An Order made by both Houses of Parliament to prevent
the going over of Popish Commanders into *Ireland*,
and also to hinder the transportation of Armes,
Ammunition Money, Corn, Victuals, and
all other provision to the Rebels,
and for the sending back of
the Irish papists lately
come over.

VV Hereas great numbers of Papists, both English and Irish, some
whereof have been and are Commanders in the Wars; and o-
thers such as have Estates in *England* have gone out of this King-
dom into *Ireland*, immediatly before and during the barbarous and bloudy Re-
bellion there, and traiterously joynd themselves with the Rebels of that Nat-
ion against his Majesty, and the Crown of *England*; and likewise divers other
Popish Comananders, and such as have Estates in *England*, are daily preparing
to go thither, to the same wicked ends: And great store of Armes, Ammunition,
Money, Corn, and other Victuals and Provisions have beene sent, and are daily
preparing to be sent to that Kingdom, for the assistance and encouragement of
those Rebels: for prevention whereof, the Lords and Commons in this present
Parliament assembled. Do hereby Order and straightly charge and command,
all Sheriffs, Justices of the Peace, Majors, Bailiffs, Constables, and other His
Majesties Officers within the Realme of *England*, and Dominions of *Wales*;
That they apprehend and examine all such persons, as they shall suspect to be
Papists, and going out of this Kingdome, or the Dominion of *Wales* into *Ire-*
land. And that they make also stay of all Arms, Munition, Money, Corn, and o-
ther

ther Viſtuals and Proviſions, which they ſhall ſuſpect to be preparing for transportation into *Ireland*, for the ayd and relief of the Rebels there; And to give ſpeedy notice thereof unto the Parliament.

And whereas, Alſo divers poore People, Men, Women, and Children, of the Irifh Nation, and Papiſts, have lately come in great numbers out of *Ireland*, into *Cornwall*, *Devon*, and other parts of this Kingdome, where they have bin, and are very diſorderly, and much terrifie the Inhabitants where they come and due care is not taken all places for the ſuppreſſing and puniſhing of them. The Lords and Commons in this Parliament Aſſembled, Do hereby further Order and require, all Officers before-mentioned, That they put the Laws in due execution againſt ſuch wandring Irifh Papiſts before expreſſed, and that they cauſe them to be forthwith conveyed back into that Kingdome.

This Order was read, and by Vote upon the Queſtion aſſented unto, and ordered to be fair written and ſent up to the Lords, by Maſter Carew.

Maſter Carew brings answer, That the Lords do fully agree with the Houſe in this Order.

Hen. Elſing. Cler. Parl. Dom. Com.

To the Kings moſt Excellent Maieſty,

The humble Petition of the Lords and Commons aſſembled in Parliament.

Moſt gracious Sovereigne,

THe preſent Evils and Calamities wherewith your Kingdomes are moſt miſerably intangled, the imminent dangers which threaten your Royall Perſon, and all your People, have cauſed us your moſt faithfull and obedient Subjects, the Lords and Commons in this preſent Parliament, with thankfulneſſe to entertaine, and with all earneſtneſſe of affection and endeavour to purſue the gracious Propoſition and Direction which not long ſince wee have received from your Maieſtie: And we have thereupon taken into our moſt ſerious conſideration the wayes and meanes of ſecuring the ſafety of your Royall Perſon, Preſerving the Honour and Authority of your Crowne, Removing all Jealouſies betwixt your Maieſtie and your People, Suppreſſing the Rebellion in *Ireland*, Preventing the Feares and Dangers in this Kingdome, and the miſchievous Deſignes of thoſe who are Enemies to the Peace of it. And that

we may with more Comfort and Security accomplish our duties herein, wee most humbly beseech your Majestie, That you will be pleased forthwith to put the Tower of *London*, and all other Forts, and the whole *Militia* of the Kingdome, into the hands of such Persons as shall be recommended unto your Majesty by both houses of Parliament, which they assure themselves will bee a hopefull entrance into those Courses, which (through Gods blessing) shall be effectuell for the removing all diffidence and mis-apprehension betwix your Majestie and your People, and for Establishing and Enlarging the Honour, Greatnesse, and Power of your Majestie and Royall Posteritie, and for the restoring and confirming the Peace and Happinesse of your loyall Subjects in all your Dominions.

And to this our most necessary Petition, wee in all humility expect your Majesties speedy and gracious Answer, the great Distractions and Distempers of the Kingdome not admitting any delay.

To the Kings most Excellent MAJESTIE.

The humble Petition of the Lords and Commons now assembled in Parliament,

Sheweth,

That whereas your Majestie by a Message sent to both houses of Parliament, signified an Apprehension of some Treasonable matter to have been committed by the Lord *Kymbolton*, Master *Hollis*, Sir *Arthur Haslerig*, Master *Pym*, Master *Hampden*, and master *Strode*; and thereby declared your Majesties intention to proceed against them in an unquestionable way: We the Lords and Commons in this present Parliament assembled, did make our humble Petition to your Majestie, to beseech your Majestie to give directions that your Parliament might be informed before Tuesday then next ensuing, what prooffe there was against them, that accordingly there might bee a Legall and Parliamentary proceeding against them, whereby they might bee brought to condigne punishment, if guilty; or discharged from so heavy an Accusation, if innocent: And whereas your Majestie was graciously pleased in Answer to that Petition, to expresse Your good approbation of the desire of both Houses, for the speedy proceeding against the Persons in that Petition mentioned; yet your Majestie gave no other satisfaction to their desire then this, That your Majestie held it necessary, lest a new mistake should breed more delays, that it should be resolved, whether your Majestie were bound,
in

In respect of Priviledges, to proceed against them by impeachment in that Parliament, or to be left at liberty to preferre an Indictment at the Common Law, in the usuall way, or to have your choyce of either; and we finding still that there is no Legall and Parliamtarie proceedings against them, and that they still lie under the burden of that high Charge, We thinke it our duty once againe to beseech your Majestie to give directions, that your Parliament may be informed before Friday next, what prooffe there is against them, that accordingly they may be called to a Legall Triall, it being the undoubted Right and Priviledge of Parliament, that no Member of Parliament can be proceeded against, without the consent of Parliament: And this we most humbly conceive our selves obliged to aske, it being no lesse agreeable with justice, to have the innocency of Parties unjustly charged, manifested, then to bring the Nocent to their just punishment.

His Maiesties Answer to two Petitions of the Lords and Commons, deliuered

2. Febr. 1641.

HIS Majestie having well considered of the two severall Petitions, presented unto him on Wednesday the second of this moneth, from both Houses of Parliament, and being desirous to expresse how willing He is to apply a remedy, not onely to your Dangers, but even to your Doubts and Feares; Hee therefore to that Petition which concerns the Forts and Militia of this Kingdome, returns this Answer; That when he shall know the extent of Power which is intended to be established in those persons, whom you desire to be the Commanders of the Militia in the severall Counties; And likewise to what time it shall be limited, that no power shall bee executed by His Majestie alone, without the advice of Parliament;

Then Hee will declare, That (for the securing you from all Dangers, or Inconveniences of any) His Majestie will be content to put in all the places both of Forts and Militia in the severall Counties, such persons as both the Houses of Parliament shall either approve, or recommend unto Him, so that you declare before unto His Majestie, the names of the persons whom you approve or recommend: unlesse such persons shall be named, against whom Hee shall have just and unquestionable exceptions.

To the other Petition concerning the members of either House, His Majestie returns this Answer, That as He once conceived that He had ground enough to accuse them, so now His Majestie finds a good cause wholly to desert any prosecution of them.

And for a further testimony of His Majesties reall Intention towards all His loving Subiects, (some of whom happily may be involved in some unknowing and unwilling Errors) For the better composing and settling of all Feares and Iealousies of what kind soever, His Majestie is ready to grant as free and generall a Pardon for the full contentment of all His loving Subiects, as shall by the approbation of both Houses of Parliament be thought convenient for that purpose.

His Majesties Consent for the Princeesse MARIES going to *Holland*, and Her Majestie to accompany Her thither.

HIS Majestie being very much pressed by the States Ambassadour to send the Princeesse His Daughter immediately into *Holland*: And being likewise earnestly desired by His Royall Consort the Queene to give her Majestie leave to accompany Her Daughter thither; Hath thought fit to consent to both desires, and to make this his Majesties Consent, and her Majesties Resolution knowne to His Parliament.

Her Majesties Answer to a Message of both Houses.

THE Queene having received a Message from both houses of Parliament by the Earle of *Newport* and the Lord *Seymour*, intimating unto her, that she had been told that the House of Commons had an intention to accuse Her of high Treason, and that Articles to that purpose had beene shewed unto her, Returns this Answer.

That there was a generall report of an Accusation intended against her, but she never saw any Articles in writing, and having no certaine Authour either for the one or for the other, she gave little credit thereunto, and much lesse now being assured from the house of Commons that never any such thing came into their thoughts.

Nor will she beleve they would lay an Asperision upon her, who hath ever beene very unapt so farre to misconster the Actions of any one person, and much more the proceedings of Parliament, and shall at all times with a happy understanding between the King and his people.

FINIS.

His

His Majesties Message sent, to the House of Commons, concerning Licences granted by His Majesty to severall persons to passe into Ireland.

His Majesty taking notice of a Speech, pretending in the Title to have been delivered by *M. Pym* in a Conference, and Printed by Order of the House of Commons, in which it is affirmed, That since the stop upon the Ports against all Irish Papists by both Houses, many of the chief Commanders, now in the head of the Rebels have bin suffered to passe by his Majesties immediate Warrant; And being very certain of having used extream Caution in the granting of Passeports into *Ireland*; So that Hee conceives, either this Paper not to have bin so delivered and Printed as it pretends, or this House to have received some mis-information;

His Majesty wou'd be resolv'd, whether this Speech were so delivered and Printed, and if it were, would have this House to reveiw upon what Informations that particular was grounded, that either that may be found upon re-examination to have bin false, and both this House and His Majesty injured by it; Or that His Majesty may know by what means, and by whose fault, His Authority hath been so highly abused, as to be made to conduce to the assistance of that Rebellion, which Hee so much detests and abhors, and that Hee may see Himself fully vindicated from all reflections of the least suspicion of that kinde.

The Answer of the House of Commons.

Your Maiesties most loyall & faithfull Subjects, the Commons now assembled in Parliament have taken into their serious consideration, the Message received from Your Maiefty, the 7 of this instant *February*, & do acknowledge, that the Speech therein mentioned to be delivered by *M. Pym*, in a Conference, was printed by their Order, and that what was therein delivered was agreeable to the sence of the House. And touching that passage wherein it is affirmed, that since the stop upon the Ports against all Irish Papists by both Houses, many of the chief Commanders now in the head of the Rebels, have bin suffered

ferred to passe by your Maiesties immediat Warrant, they present your Maiesty with this their humble Answer.

That they have received divers advertisments concerning the severall persons, (Irish papists and others) which have obtained your Maiesties immediate Warrants for their passing into *Ireland*, since the Order of Restraint of both Houses, some of which (as they have bin enformed) since their comming into *Ireland*, have ioyned with the Rebels, and bin Commanders amongst them, and some others have bin stayed, and are yet in safe custody; particularly the Lord *Delvin*, and foure other persons in his company, whereof one is thought to be a Priest, one Colonell *Butler*, brother to the Lord *Mingos*, now in Rebellion, and Sir *George Hamilton*, all which are papists; And one other (as is reported) being son of the Lord *Netersfield*, whose father, and brother, are both in Rebellion: the particular names of others we have not yet received, but doubt not, but upon examination, they may be discovered.

And your Maiesties most faithfull Subiects are very sorry, that the Extream Caution which your Maiesty hath used, hath bin so ill seconded with the diligence and faithfulness of your Ministers, and that your Royall Authority should be so highly abused, Although, as it was exprest in that Speech by Master *Pym*, we believe it was by the procurement of some evill Instruments too neer your Royall person, without your Maiesties knowledge, and intention; And we beseech your Maiesty to take such course, that not only your Honour may be vindicated for the time past, but your Kingdome may be secured from the like mischief for the time to come.

Read and by vote upon the Question assented unto.

His Maiesties Reply to the House of Commons Answer.

Concerning Licences granted by the King to severall persons to go into *Ireland*.

AS his Majesty hath expressed a great desire to give his House of Commons all possible satisfaction to all their just Requests, and a readinesse to rectifie or retract any thing done by himselfe, which might seeme to trench upon their Priviledges by any mistake of his, so he doubts not they will be ready upon all occasions to manifest an equall tenderneffe and regard of his

Ma-

Majesties Honour and Reputation with his good Subjects; and therefore his Majesty expects they should review his Message of the seventh of this moneth, concerning a passage in Master *Pym*s Speech, and their Answer sent to his Majesty by some of their Members on the tenth of the same, with which his Majesty can by no means rest satisfied.

His Majesties Exception in that Message was, that it was affirmed in that Speech, That since the stop upon the Ports against all Irish Papists, by both Houses, many of the chiefe Commanders now in the head of the Rebels, have been suffered to passe by his Majesties immediat Warrant.

To this the Answer is :

THat the Speech mentioned in that Message to be delivered by *M. Pym*, was Printed by their Order, and that what was therein delivered was agreeable to the sense of the House: that they have received divers Advertisements concerning severall persons, Irish Papists and others, who have obtained his Majesties immediate Warrant for their passing into *Ireland*, since the Order of Restraint of both Houses, some of which, they have beene informed since their coming into *Ireland*, have joyned with the Rebels, and bin Commanders amongst them.

His Majesty is most assured, no such person hath passed by his Warrant or Privy, and then he desires his House of Commons to consider, whether such a generall Information and Advertisement (in which there is not so much as the name of any particular person mentioned) be ground enough for such a direct and positive Affirmation, as is made in that Speech, which in respect of the place and Person, and being now acknowledged to be agreeable to the sense of the House, is of that authority that his Majesty may suffer in the Affections of many of his good Subjects, and fall under a possible construction (considering many scandalous Pamphlets to such a purpose) of not being sensible enough of that Rebellion, so horrid and odious to all Christians, by which, in this distraction, such a danger might possibly ensue to his Majesties Person and Estate, as he is well assured his House of Commons will use their utmost endeavours to prevent. And therefore his Majesty thinks it very necessary, and expects that they name those persons, who by his Majesties Licence have passed into *Ireland*, and are now there in the head of the Rebels; Or that if upon their re-examination they do not find particular Evidence to prove that Assertion (as his Majesty is confident they never can) as this Affirmation which may reflect upon his Majesty, is very publike, so they will publish such a Declaration whereby that mistake may be discovered, his Majesty being the more tender in that particular

ticular, which hath Reference to *Ireland*, as being most assured that Hee hath bin, and is from his Soul resolved to discharge his Duty (which God wil require at his hands) for the relief of his poor Protestant Subjects there, and the utter rooting out that Rebellion; So that Service hath not suffered any, but necessary delays by any act of his Majesties, for the want of any thing proposed to his Majesty within his Majesties power to doe.

For the persons named in the Answer, his Majesty saith that Colonell *Butler*, and the son of the Lord *Nettersfield*, obtained his Warrants for their passage into *Ireland*, at his Majesties being in *Scotland*, which was long (as his Majesty thinks) before the Order of both Houses: His Majesty knowing the former of them to be one who hath always made Professions to his Service, and to be Vncle to the Earle of *Ormond*, of whose affection to the Protestant Religion, and his Majesties Service, His Majesty hath great cause to be assured: And the latter being a person of whom, at that time, there was no suspicion to his Majesties knowledge. For the other, it may be they have obtained Warrants from his Majesty since the said Order, but his Majesty assures the Parliament that he had no intimation of such an Order, till after stay made of Sir *George Hamilton*, who was the last that had any Licence from his Majesty to passe for *Ireland*.

And his Majesty having since this Answer from the House of Commons used all possible means, by the examining his own memory, and the Notes of his Secretaries, to find what Warrants have been granted by him, and to what persons, doth not find That he hath granted any to any Irish, but those who are named by the House of Commons, and in *December* last to the Earle of *Saint Albans*, and to two of his servants, and to one *Walter Terrel* a poore man, they being such as his Majesty is assured are not with the Rebels, and much lesse chief Commanders over them. And though it may be, the Persons named by the House of Commons are Papists, yet his Majesty at that time thought it not fit, in respect of their Alliance in that Kingdome, to such Persons of great power, of whom his Majesty hoped well, to discover any suspicion of them, the Lords Justices having declared by their Letters (which Letters were not disapproved of by the Parliament here) that they were so far from owning a publike jealousy of all Papists there, that they had thought fit to put Arms into the hands of divers Noble men of the Pale of that Religion, who made Professions to his Majesties Service, and desired the same. And since so great a trust reposed in some of the Lords of that Religion was not disapproved by the Parliament here, his Majesty could not imagine it unsafe or unfit for him to give Licences to some few to passe into that Kingdom, who, though Papists, professed due Allegiance and Loyalty to his Majesty.

And therefore unlesse the first Affirmation of the House of Commons can be made

made good by some particulars, his Majesty doth not know that his Ministers have failed in their diligence and faithfulness to his Majesty in this point, or that his honour hath suffered so much by any Act of his own, as that it needs be vindicated for the time past by any other way then such a Declaration which he expects from this house, as in Duty and Justice due to his Majesty.

FINIS.

A Message from His Majesty to the House of Peers on
Friday the 11 of February, 1641. concerning his
acceptance of Sir *Iohn Coniers*, in the place
of Sir *Iohn Byron*, to be Lievtenant
of the Tower.

Although his Majesty conceives that he is not obliged to give an Answer in any particular concerning the Forts and *Militia* of the Kingdom, until he shall know and consent to the Power and the time, how, & to whom, the Forts and *Militia* shall be disposed; Yet to shew his reall intention to satisfie the feares of his People, He is content to accept of Sir *Iohn Coniers* in the place of Sir *Iohn Byron*, for to be Lievtenant of the Tower of London, having already at his earnest desire received the surrender of the said Place from him.

A true and exact List of those persons
nominated and recommended by the House of
Commons to his Majesty,

As persons fit to be entrusted with the *Militia* of the
Kingdom: wherein they desire the concurrence
of the House of Peers, Feb. 12, 1641.

B*Arkeshire*, Earle of *Holland*. *Bedfordshire* Earle of *Bullingbrook*. *Buckinghamshire* Lord *Paget*. *Cambridgeshire* and the Isle of *Ely* Lord *North*.
Cheshire, and the County and City of *Chester* Lord *Strange*. *Cornwall*
Lord *Roberts*. *Cumberland* Lord *Gray* of *Wark*. *Derby* Earle of *Rutland*.

Devonshire, and of the County and City of *Exon*. Earle of *Bedford*. *Dorsetshire*, and the County of the Town of *Poole*, Earle of *Salisbury*. For the Isle of *Purbeck* Com. *Dorset*. Sir *John Banks* Knight, Lord Chiefe Justice of the Common Pleas, and Conttable of *Corfe* Castle. *Durham*, Sir *Henry Vane* Elder. *Essex*, Earle of *Warwick*. *Gloucestershire*, and of the County and City of *Gloucester*, Lord *Chandois*. *Hampshire*, and of the Town and County of *Southampton*, and of the Isle of *Wight*, Earle of *Pembroke*. *Hartfordshire*, Earle of *Salisbury*. *Herefordshire* Lord *Dacres*. *Huntingtonshire*, Lord *Maudevile*. *Kent*, and the City and County of *Canterbury*, Earle of *Leicester*. Com. *Lancaster*, Lord *Wharton*. *Leicester*, Earle of *Stamford*. *Middlesex*, Earle of *Holland*. Com. *Northampton*, Lord *Spencer*. *Nottingham*, and of the Towne and County of *Nottingham*, Earle of *Clare*. *Northumberland*, and of the Towne and County of *Newcastle*, and of the Town of *Barwick*, Earle of *Northumberland*. *Norfolk*, and of the County and City of *Norwich*, Earle of *Warwick*. *Oxfordshire*, Lord Viscount *Say* and *Seal*. *Rutland* Earle of *Exon*. *Salop*, Lord *Littleton*, Lord Keeper of the great Seal of *England*. *Somerset*, Marquis *Hertford*.

That the Lieutenant of the County of *Worcester* shall be nominated before *Somerset*.

Staffordshire, and of the County of the City of *Lichfield*, Earl of *Essex*. *Suffolk*, Earl of *Suffolk*. *Surrey*, Earl of *Nottingham*. *Sussex*, Earl of *Northumberland*. *Warwick*, and of the County of the City of *Coventry*, Lord *Brooke*. *Westmerland*, Earle of *Cumberland*. *Wiltz*, Earle of *Pembroke*. *Wigorn*, and of the County of the City of *Worcester*, Lord *Edward Howard* of *Eserig*. For the County and City of *Bristol*, Master *Denzil Hollis*. *Yerkeshire*, and of the County of the City of *York*, and of the County of the Towne of *Kingstone* on *Hul*, Earle of *Essex*. Of the parts of *Kestaven* and *Holland*, and the County of the City of *Lincolne*, Earle of *Lincolne*. For the parts of *Lindsey*, in the County of *Holland*, Lord *Willoughby* of *Parham*. *Monmouth*, Lord *Philip Herbert*. Isle of *Anglesey*, Earl of *Northumberland*. *Breconock*, Lord *Philip Herbert*. *Cardigan*, Earl of *Carbery*. *Carmarthen*, and *Carmarthen* Town, Earl of *Carbery*. *Carnarvan*, Earl of *Pembroke*. *Denbigh*, Lord *Fielding*. *Flintshire*, Lord *Fielding*. *Clamorgan*, Lord *Philip Herbert*. *Montgomery*, Earl of *Essex*. *Merioneth*, Earl of *Pembroke*. *Pembroke*, and the Towne of *Haversford* West, Earl of *Northumberland*. *Radnor*, Lord *Littleton*, Lord Keeper of the great Seal of *England*.

That for the levying, ordering, and exercising the *Militia* of the City of *London*, power is given unto Sir *John Gaire*, Sir *Jacob Garret*, Knights and Aldermen,

dermen, *Thomas Askin* Alderman, *Sir John Wollastone* Knight and Alderman, *John Warner* Alderman, and *John Towse* Alderman, Serjeant Major Generall Skippon. or any three more of them, *Randolph Manwaring*, *William Gibs*, *John Fowke*, *James Bunce*, *Francis Peck*, *Samuel Warner*, *James Russell*, *Nathaniel Wright*, *William Barkley*, *Alexander Normington*, *Stephen Eskwecke*, *Owen Rowe*, Citizens of London, or any six or more of them.

His Majesties Message to both Houses of Parliament : February 14. 1641.

THough His Majestie is assured, that His having so suddenly passed these two Bills, being of so great importance, and so earnestly desired by both Houses, will serve to assure His Parliament, That He desires nothing more then the satisfaction of His Kingdome ; yet that He may further manifest to both Houses how impatient He is, till he find out a full remedie to compose the present Distempers, He is pleased to signifie :

That his Majestie will by Proclamation require, that all Statutes made concerning Recusants, be with all Care, Diligence, and Severity put in execution.

That his Majestie is resolved, That the seven Condemned Priests shall bee immediately Banished (if His Parliament shall consent thereunto :) And His Majestie will give present Order (if it shall be held fit by both Houses) that a Proclamation issue, to require all Romish Priests within twenty dayes to depart the Kingdome ; and if any shall be Apprehended after that time, his Majestie assures both Houses, in the Word of a King, That He will grant no pardon to any such, without consent of His Parliament.

And because his Majestie observes great and different Troubles to arise in the hearts of His People, concerning the Government and Liturgie of the Church, his Majestie is willing to declare, That Hee will referre that whole Consideration to the Wisdome of His Parliament, which He desires them to enter into speedily, that the present Distractions about the same may be composed. But desires not to be pressed to any single Act on His part, till the whole be so digested and settled by both Houses, that his Majestie may clearly see what is fit to be left, as well as what is fit to be taken away.

For *Ireland* (in behalfe of which his Majesties heart bleeds) as his Majestie hath concurred with all Propositions made for that Service by His Parliament, so He is resolved to leave nothing undone for their Reliefe which shal fall within His possible Power, nor will refuse to venture His owne Person in that

Warre, if His Parliament shall thinke it convenient for the reduction of that miserable Kingdome.

And lastly, his Majestie taking notice by severall Petitions of the great and generall decay of Trade in this Kingdome, and more particularly of that of Clothing, and new Draperies (concerning which He received lately at *Greenwich* a modest, but earnest Petition from the Clothiers of *Suffolke*) of which decay of Trade his Majestie hath a very deepe sence, both in respect of the extreame want and povertie it hath brought, and must bring upon many thousands of His loving Subjects, and of the influence it must have in a very short time upon the very subsistence of this Nation, Doth earnestly recommend the consideration of that great and weightie Businesse to both Houses; Promising them, that He will most readily concurre in any Resolution their Wisdomes shall find out, which may conduce to so necessary a Worke.

THe Lords and Commons assembled in Parliament, doe with much Joy receive, and with Thankfulnesse acknowledge, Your Majesties Grace and Favour, in giving your Royall Assent to a Bill, intituled, *An Act for disabling all Persons in holy Orders to exercise any Temporall Jurisdiction or Authority*: And also Your Majesties Care for *Ireland*, expressed in the dispatch of the Bill of Pressing, so much importing the safetie of that, and this Kingdome.

FINIS.

To the Kings most Excellent Maiestie.

The humble Petition of the Lords and Commons now Assembled in Parliament.

Sheweth,

THat Your Majestie, in answer to their late Petition, touching the proceedings against the Lord *Kimbolton*, *M. Hollis*, Sir *Arthur Haslerig*, *Ma^rker Pym*, *M. Hamden*, and *M. Strode*, Members of the Parliament, was pleased to signifie, That as Your Majestie once conceived, that you had ground enough to accuse them. So now Your Majesty findes as good cause wholly to desert any further prosecution of them. Notwithstanding which, they remaine still under that heavy charge so imputed unto them, to the exceeding prejudice, not only of themselves, but also of the whole Parliament. And whereas by the expresse Laws, and Statutes of this Your Realm, that is to say, by two Acts of

of Parliament, the one made in the 37. and the other in the 38. yeere of the Raigne of your most Noble Progenitor, King *Edward* the third; If any person whatsoever, make suggestion to the King himselfe, of any Crime committed by another, the same person ought to be sent with the suggestion, before the Chancellour or Keeper of the great Seale, Treasurer, and the great Councell, there to find surety to pursue his suggestion, which if he cannot prove, he is to be imprisoned till he hath satisfied the Party accused, of his dammages and slander, and made fine and ransome to the King. The said Lords and Commons humbly beseech Your Majestie, That not only in point of Justice to the said Members in their particulars, but for the Vindication of the Rights and Priviledges of Parliament, Your Majesty will be pleased to send the person or persons, that in this case made the suggestions, or informations to Your Majestie, against the said Members of Parliament. Together with the said suggestions or informations, to Your Parliament. That so such fruits of the said good Laws may be had, as was intended by them, and the Rights and Priviledges of Parliament may be Vindicated, which of right and justice ought not to be denied.

An Ordinance of both Houses of Parliament, for the safeguard of the Parliament, Tower and City of *London*,
under the Command of Serjeant Major
Generall Skippon.

WHereas upon the 12. of *January* last past (amongst other things in that Order;) It is ordered by the Lords and Commons in Parliament, in these words: And for the better safeguard of the Tower; It is further Ordered by both Houses of Parliament, That the Sheriffs of *London* and *Middlesex* shall appoint and place a sufficient Guard about the Tower, both by Land and Water, under the Command of Serjeant Major General *Skippon*, Commander of the Guards of the Parliament, And that those Guards be carefull to see the former Order observed. Now whereas the said Serjeant Major having (in his great care and faithfulnessse) given his advice to the said Sheriffs, concerning what Guards he conceived to be fitting, and how the same Guards ought to have been Ordered by Water and Land, as he thought most advantageous for the said service. Whereas also the said Serjeant Major hath given his further advice and Order to divers other persons concerning the timely discovery, and preventing of any thing that might have been attempted or

done contrary to the intent of the said Order of both Houses of Parliament.

And whereas the said Serjeant Major *Skippon* hath according to the trust reposed in him by the City of *London*, placed the Trained-Bands of the said Citie, at the further end of Tower-Street, and in such other places within and about the Citie, as he conceived to be most for the safetie of the Citie : All and every particular of the which premisses, and whatsoever else in the same kind, and to the same ends, that he the said Serjeant Major hath advised, or done, or shall advise or do according to the Order aforesaid, is here by wel approved of, and fully warranted by both houses of Parliament, as being for the Reall good service of His Majestie, and the Common-wealth ; as also for the safetie of the Parliament and Citie : And is in all and every part thereof according to his Duty, the last Protestation, and the Lawes of this Kingdome. And if any person shall arrest, or any other way trouble him for so doing, he doth breake the Priviledge of Parliament, Violate the Liberty of the Subject, and is hereby declared an enemy to the Common-wealth.

A Message from a Committee of both Houses of Parliament, to the Spanish Ambassadour, to make stay of Ships at *Dunkerke*, intended for the supply of the Rebels in *Ireland*.

THE Lords and Commons have commanded us, to intimate to the Spanish Ambassadour, the advertisement that they have received of certaine Ships lying in *Dunkerke*, laded with Ammunition ready to take sayle, intended for the reliefe of the Rebels of *Ireland* : This they hold contrary to the Articles agreed upon, in the Treaties of Peace between the two Crownes ; And therefore the Ambassadour is to be moved from both Houses, to send speedily to *Dunkerke*, and to all other His Majesties Dominions, and unto the King his Master, to make stay of those, and all such Ships, as may carry any supply of Men, Victuals, Money, or any other ayd to His Majesties Subjects, that at this present are in Rebellion in *Ireland* ; Which otherwise will be understood to be a Breach of the Treaties, betweene the Crownes of *England* and *Spaine*, and so resented by the Parliament.

The Spanish Ambassadors Answer to the Message from a Committee of both Houses of Parliament.

THe Lord Ambassadour of *Spain*, *Don Allonso de Cardenas* having understood what the Lord *Fielcing* of the Lords House, and Sir *Thomas Barrington* Baronet, and Sir *John Holland* Baronet of the House of Commons, All three Commissaries from the Parliament, have said in behalfe of both Houses, concerning the advertisement given them, that in the Haven of *Dunkerke* there were certaine Ships laded with Ammunition, ready to take saile, intended for the reliefe of the Rebels of *Ireland*, which they hold contrary to the Articles of Peace between the two Crownes. And that they required he should send to *Dunkerke*, and all other His Majesties Dominions, And that hee should write unto the King His Master to make stay of those and all such Ships, as may carry supply of Powder, Viſtuals, Money, or any other ayde to His Majesties Subjects, that at this present are in Rebellion in *Ireland*; because otherwise it would be understood to bee a breach of the Treaties betwene the two Crownes, and so resented by the Parliament. The said Ambassadour of *Spain* answered, That besides the understanding, which he hath of the King His Masters mind and intention to conserve the friendship, which he professeth with His Majesty of great *Britaine*, he hath expresse and most particular notice, that the Ships which are now in *Dunkerke* Haven laded with Soldiers and Ammunition & ready to saile neither are for *Ireland* nor were they provided for any such purpose, And that this notice was given him by *Don Francisco de Melo* Earle of *Assumar*, Governour and Captaine Generall of the States of *Flaunders*, whom the resident of His Majestie of great *Britaine*, that affixt in *Brussels*, assured that he is fully satisfied of their not going for *Ireland*, as is also His King, who signified so much unto him in a Letter, in which he likewise commanded him to thanke the said *Don Francisco de Melo*, for denying leave, which certaine Irish serving in those States, had asked to returne to their Countrey, which he denied; to avoid all suspicion, Notwithstanding their end for asking it, was unknowne. The same assurance did the same Ambassadour give unto the Commissaries aforesaid of the Parliament, concerning the mentioned Ships in *Dunkerke* laden with Ammunition and Souldiers, that they are not for *Ireland*; And he professed to write to *Dunkerke*, and all other Parts of *Flaunders* and Dominions of the King His Master; and particularly to his Catholike Majesty, to the end, That the observance of the Articles of peace, which hitherto have been so religiously observed of the King His Masters part, and His Subjects may be continued; and that new and strait Orders be given.

given, That no Subject of his Catholike Majesty, shall dare violate them, sending any kind of aydes to foster the insurrection in *Ireland*, under paine of the punishment imposed upon the transgressors. And the said Ambassadour to manifest the sincerity of his heart, profered to sollicite it with the readiest and most forcible meanes that lay in his power, hoping (as in reason he should,) that his Majesty of great *Britain*, and the Parliament, will for their part punctually observe the same in the aforesaid conformity towards the Rebels of the King his Master, not permitting any kindes of succour or assistance in whatsoever quality to be afforded them, from these Kingdomes. Renewing for this effect all requisite Orders unto the Officers and Ports of the said Kingdomes, chastising the transgressors of what is settled in the Peace, with the punishments contained in the Articles of it; that so by reciprocall observance, the good correspondency, which is at this present betwixt these two Crownes of *Spain* and *England*, may be assuredly maintained.

FINIS.

His Majesties Message to both Houses, concerning the Militia.

His Majesty having received an humble Petition of the Lords and Commons, by the hands of the Earls of *Carlisle* and *Monmouth*, returns this answer; That his dearest Consort the Queen, and his Dear Daughter, the Princeesse *Mary*, being now upon their departure for *Holland*, Hee cannot have so good time to consider of a particular Answer for a matter of so great weight as this is, therefore He must respite the same untill His return.

To the Kings most Excellent Majestie :

The humble Petition of the Lords and Commons,
concerning this Message.

May it please your most Excellent Majestie,

Your humble and loyall Subjects, the Lords and Commons, have, with a great deal of grief, received Your Majesties Answer to their just and necessary Petition, concerning the *Militia* of the Kingdome; which Your Ma-

Majesty, by a gracious Message formerly sent unto them, was pleased to promise should be put into such hands as Your Parliament should approve of, or recommend unto You the extent of their power, and the time of their continuance being likewise declared. That being done, and the persons by both Houses nominated, Your Majesty, nevertheless, refers Your resolution herein, to a longer, and a very uncertain time, which (the present dangers and distractions so great and pressing) is as unsatisfactory and destructive, as an absolute deniall. Therefore wee once againe beseech Your Majesty to take our desire into Your Royall thoughts, and to give Us such an Answer, as may raise in us a confidence that we shall not be exposed to the practices of those, who thirst after the ruine of this Kingdom, and the kindling of that combustion in *England*, which they have, in so great a measure, effected in *Ireland*; from whence (as wee are daily informed) they intend and endeavour to invade us, with the assistance of the Papists here amongst us.

Nothing can prevent these evils, nor enable us to suppress the Rebellion in *Ireland*, and secure our selves but the instant granting of that our humble Petition; which we hope Your Majesty will not deny to these, who must in the discharge of their duties both to Your Majesty and the Common-wealth, represent unto Your Majesty what they find so absolutely necessary; for the preservation of both which the Laws both of God and man enioyne them to see put in execution, as severall Counties, by their daily Petitions, have desired of us, and in some places, begun already to do it of themselves. Feb. 22, 1641.

Resolved upon the Question, and assented unto, and ordered, That Master Hollis carry it up to the Lords, to desire their concurrence herein.

A Message from both Houses of Parliament, sent to the King and Queens Majesties,

Touching certain Letters lately intercepted, and (as it may
be conjectured) sent from the Lord Digby, to the
Queens Majestie.

Most gracious Sovereigne,

YOUR Majesties most Loyall and faithfull Subjects; the Lords and Commons in Parliament have received Your Message of the sixteenth of this instant *Februarie*, sent at the instance of the *Queenes Majesty*, And upon
M
confi-

consideration thereof, to our great joy and content, find therein cleere expressions of Grace and Favour, from both Your Majesties, for which we return our most humble thanks, and have herewithall sent the Transcript of that Letter required by Your Majesty, as likewise of two other Letters, directed to Master Secretary *Nicholas*, and Sir *Leves Dives*, all which were brought to us under one cover indorsed to Master Secretary, with information, that they were written by the Lord *Digby*; who being a person fled from the Justice of Parliament, and one who had given many evidences of the dis-affection to the public good; we conceived it necessary to open the two former, and finding sundry expressions in them full of Asperity and Malignity to the Parliament, We thought it very probable, That the like may be contained in that to her Majesty and that it would be dishonorable to her Majestic, and dangerous for the Kingdom if it should not be opened, wherein wee were no whit deceived: s Your Majesty may well perceive by the Contents thereof.

And although we cannot but be very sensible of the great dishonour therein done to Your Majesties, and the malicious endeavours of fomenting and encreasing the Jealousie betwixt Your Majesty and Your people. Yet wee are farre from reflecting any thing upon the Queen, or expecting any satisfaction from Her Majesty; But impute all to the bold and envenomed spirit of the man; Only we most earnestly beseech Your Majesty to perswade the Queen, that Shee will not vouchsafe any countenance to, or correspondency with the Lord *Digby* or any other of the fugitives or Traitors whose offences now depend under the examination and judgment of Parliament, which we assure our selves will be very effectually to further the removall of all Jealousies and Discontents betwixt Your Majesty and Your people, and the settling the great Affairs of Your Majesty, and the Kingdom, in an assured State and condition of Honour, safety, and prosperity.

A Message from both Houses of Parliament unto
His Majesty, concerning the Prince,
his Sonne.

THe Lords and Commons in Parliament humbly desire his Majesty, That the Prince may not be removed from *Hampton Court*; And that for these ensuing Reasons.

1 They conceive his Majesty had resolved that the Prince should stay at *Hampton Court* untill his Majesties Return.

2 That

2 That the Lord Marquesse *Herford*, appointed by his Majesty to be Governour of the Prince, and approved of, and commanded by the Parliament to give his personall attendance on the Prince, Is now so indisposed in his health that he is not able to attend the Prince to any other place.

3 That the Prince his Removall at this time from *Hampton Court* may be a cause to promote Jealousies and Fears in the hearts of his Majesties good Subjects, which they conceive very necessary to avoid.

Die Iovis 24, Febr. 1641.

Ordered by the Lords and Commons in Parliament, that the Lord Howard of Charr shall attend upon the King, and present these Reasons unto his Majesty.

John Brown. Cler. Parliament.

His Majesties Answer to the Reasons Hee Received by way of Message from both Houses concerning the Prince, his Son.

THAT his Majesty intended at his Remove from *Hampton Court* with his Royall Consort the Queene, towards *Dover*, That the Prince his Sonne should stay at *Hampton Court*, till his Majesty returned to some of his Houses, & thereupon, as soon as his Majesty resolved upon a certain day to be at *Greenwich*, he commanded that his Son should attend him there, which was no way contrary to his former Intension.

2 That his Majesty was very sorry to heare of the Indisposition of the Marquesse *Herford*, being the Person upon whom he principally relies for the Care of his dearest Son; But if that Indisposition should have lasted, his Majesty could no ways think fit that his want of health should have hindred the Prince from wayting upon his Majesty, according to his Command, and therefore would have bin much offended if the Prince had failed of meeting his Majesty, according to his appointment.

3 To the Fears and Jealousies his Majesty knows not what Answer to give, not being able to imagine from what grounds they proceed. But if any Information have bin given to that purpose, His Majesty much desires that the same may be examined to the bottom, and then hee hopes that their Feares and Jealousies will be hereafter continued onely with Reference to his Majesties Rights and Honour.

The Votes of the Lords and Commons,
Vpon the Propositions made by divers worthy and
wel-affected persons, for the speedy and effe-
ctuell reducing of the Kingdom
of *Ireland*.

THe Lords and Commons taking into their serious considerations, as well the necessity of a speedy reducing of the Rebels of *Ireland* to their due obedience, as also the great sums of money, that the Commons of this Realm have of late paid for the publike and necessary Affairs of the Kingdom, whereof the Lords and Commons are very sensible, and desirous to imbrace all good and honourable ways tending to his Majesties greatnesse, and profit, the settling of that Realm, and the ease of his Majesties Subjects of *England*; And whereas divers worthy and wel-affected persons perceiving, that many millions of Acres of the Rebels Lands of that Kingdom, which goe under the name of profitable Lands, will be confiscate, and to be disposed of, and that in case two millions and a halfe of those Acres to be equally taken out of the four Provinces of that Kingdom, may be allotted for the satisfaction of such persons as shall disburse any sums of money for the reducing of the Rebels there, would effectually accomplish the same, have made these Propositions insuing.

1 That two millions and an halfe of those Acres may be assigned, allotted, and divided amongst them after this proportion: *viz.*

For each Adven- ture of	}	200 li. 1000 Acres in <i>Ulster</i> .
		300 li. 1000 Acres in <i>Conaght</i> .
		450 li. 1000 Acres in <i>Munster</i> .
		600 li. 1000 Acres in <i>Leinster</i> .

All according to the English measure, and consisting of Meadow, Arable; and profitable Pasture, the Bogs, Woods, and barren Mountains being cast in over and above. These two millions and a half of Acres to be holden in free and common Socage of the King, as of his Castle of *Dublin*.

2 That out of those two millions and an half of Acres, a constant Rent shall be reserved to the Crown of *England*, after this proportion, *viz.*

Out of each Acre thereof in	}	<i>Ulster</i>	1 ^d —
		<i>Conaght</i>	1 ^d —ob.
		<i>Munster</i>	2 ^d —q;
		<i>Leinster</i>	3 ^d —

Where-

Whereby his Majesties Revenue out of those Lands will be much improved, besides the advantages that hee will have by the comming to his hands of all other the Lands of the Rebels, and their personall Estates, without any charge unto his Majesty.

3 That for the erecting of Mannors, settling of Waste and Commons, mayntaining of Preaching Ministers, creating of Corporations, and regulating of the severall Plantations, one or more Commissions be hereafter granted by Authority of Parliament.

4 That monies for this great occasion may be the more speedily advanced, All the Undertakers in the City of *London*, and within twenty miles distant thereof, shal under-write their severall sums before the twentieth day of *March*, 1641, and all within sixty miles of *London*, before the first day of *April*, 1642. And the rest of the Kingdom before the first day of *May*, 1642.

5 That the severall sums to be under-written, shall be paid in at foure payments, *viz.* one fourth part within ten days after such under-writing, and the other three parts at three moneths, three moneths, and three moneths: all to be paid into the Chamber of *London*.

6 That for the better securing of the said severall sums accordingly, every one that doth so under-write, shall at the time of his Subscription pay downe the twentieth part of the totall sum that shall be by him then under-written.

And in case that the residue of his first fourth part be not paid in to such person or persons, as shall be appointed to receive the same within the ten dayes before limited; then such Party shall not onely forfeit the twentieth part of the Sum totall formerly deposited, but so much more of his first fourth payment to be added thereunto, as shall make up the one moiety of the said first payment. And if the same person shall fail in any other of the three payments, hee shall then forfeit his entire first fourth part, and all the benefit of his Subscription, which forfeiture shall accrue to the common benefit of the rest of the Undertakers.

The Lords and Commons upon due and mature deliberation of these Propositions, have approved of them, and given their consent unto the same, and will become humble Petitioners to his Majestie for his Royall approbation thereof; and that hereafter hee will be pleased upon the humble suit of both Houses of Parliament, to give his Royall Assent to such Bills as they shall tender unto Him for the settling of those Propositions, and all other things necessarily conducing thereunto.

BY vertue of an Order of the Honourable House of Commons, made on Monday the seventh of this present Moneth of *February* 1641. Wee (the Committee appointed, to receive the moneys given, by the Members of the

the House of Commons, for the Relief of the poore distressed people that are come out of *Ireland* are to require you to send unto us, or any one of us, a Certificate, what summes of money are collected within your Parish for the relief of the poore distressed people of *Ireland*, and to require you to bring in such summes of money, as you have received, to that Committee, who are authorized by the House to receive the same.

Dated at Westminster, the fifteenth day of February, 1641.

The Committee appointed by the House for the
said Collection are

Sir Edward Aiscongh Knight, { Francis Rowse
Henry Martin
William Wheeler } Esquires.

To the Minister, and Churchwardens of the Parish of

His Majesties gracious Answer and Assent,
Declared unto both Houses of Parliament, *February*
24, 1641, was as followeth.

His Majesty being very glad to receive any Proposition that may repaire the calamity of his distressed Kingdome of *Ireland*, especially when it may be without burthen or imposition, and for the ease of his good Subjects of this Kingdom, hath graciously considered the Overture made by both Houses of Parliament to that purpose, and returns this Answer:

That as he hath offered, and is still ready to venture his own Royall Person for the Recovery of that Kingdom, if his Parliament shall advise him thereunto, so he will not deny to contribute any other assistance hee can to that Service, by parting with any profit, or advantage of his own there: And therefore (relying upon the wisdom of his Parliament) doth consent to every Proposition now made to him, without taking time to examine, whether this course may not retard the reducing of that Kingdom, by exasperating the Rebels, and rendering them desperate of being received into Grace, if they shall return to their Obedience.

And

And his Majesty will be ready to give his Royall assent to all such Bills as shall be tendred unto him by his Parliament, for the confirmation of every particular of this Proposition.

Die Veneris 25, Febr. 1641.

Ordered by the Lords in Parliament, That the Propositions concerning Ireland, and his Majesties gracious Answer thereunto, together with the Directions, shall be forthwith Printed and published.

And for the better effecting of this work, the Lords and Commons have thought fit to publish these ensuing Directions.

1 **VV** Hereas according to the proportion of Lands in the Propositions mentioned (being two millions and a half of Acres) the Sums to be underwritten will not exceed one million of money. It will be requisite that together with the Sums under-written the day and time of each Subscription be likewise set down; to the intent that those who do under-write before the million of money shall be made up, may not be excluded from the benefit of their respective Subscriptions, in case they make payment of the respective Sums according to the Propositions.

Nevertheless, if any shall under-write after the million of money shall be made up, they shall be admitted to the shares of such as (having under-written to the million) shall fail of payment according to the Propositions, or else (at their election) shall be forthwith repayed all such Sums as they shall have paid in, upon hope of taking benefit of the Propositions.

2 The places to be appointed for the severall under-writings, to be For the Cities of *London* and *Westminster*, and the Counties of *Surrey* and *Middlesex*, the Chamber of *London*; for all other Counties in *England* and *Wales* the Towns where the last Assises were kept: But any of those Counties that shall desire to under-write in *London*, may be at liberty to doe it there.

3 The persons to be employed in taking the under-writings and receiving the monies, for *London* and *Westminster*, *Middlesex* and *Surrey*, are to be such, as, upon further consultation with the Citizens of *London* shall be appointed.

And in all other Counties, the Sheriffs of the severall Counties respectively:

tively: who are to give Acquittances for such Sums as they shall receive.

4 That printed Books of the Propositions, and his Majesties Answer thereunto, and of the Instructions, shall be sent, and Letters written from the Speaker to the severall Sheriffs of the said Counties, who shall publish the Books and Letters at the next Assizes, and shall then likewise give publike notice of the times and places by them to be appointed, aswell for the severall under-writings, as for the payment of the Sums that shall be under-written: And for the better publishing of those Books, the severall Citizens and Burgeses of the House of Commons shall forthwith send down severall Books and Letters, to the head-Officers of their Cities and Boroughs respectively.

5 That the severall Sheriffs shall from week to week, send up to the Chamber of *London*, a true List of the names and Sums subscribed, and of the time of the Subscription.

6 For the better encouragement of such persons as shall be employed for the City of *London* and the parts adjoyning, as likewise of the said Sheriffs and such other persons as shall be by them employed herein, it shall, and may be lawfull for the said Sheriffs, and for the said persons appointed for the City of *London* respectively, to deduct and retain to his or their use, after the rate of one penny in the pound, for their pains and charges in receiving the said Sums, and in returning the same.

7 That together with the Printed Propositions and Letters from the Speaker, Paper Books with Titles prefixed shall be sent downe to the Sheriffs of each County, in the beginning of which Books next under the Titles, the Knights, Citizens, and Burgeses respectively that serve for the same, and who shall under-write any Sum, according to the said Propositions, shall subscribe their names and Sums in the first place.

FINIS.

An Ordinance of both Houses of *Parliament*, for the ordering of the *Militia* of the Kingdome of *England*, and Dominion of *Wales*.

VV Hereas there hath beene of late a most dangerous and desperate Designe upon the House of Commons, which we have just cause to believe to be an effect of the bloody Counsels of Papists, and other ill-affectd persons, who have already raised a Rebellion in the Kingdom of *Ireland*:
And

And by reason of many discoveries, we cannot but feare they will proceed, not onely to stir up the like Rebellion and Insurrections in this Kingdom of *England* but also to back them with Forces from abroad.

For the safety therefore of His Majesties Person, the Parliament and Kingdom in this time of imminent danger;

It is ordained by the King, the Lords and Commons now in Parliament assembled, that shall have power to assemble and call together all and singular his Majesties Subjects within the County of as well within Liberties as without, that are meet and fit for the Wars, and them to traine, exercise and put in readinesse, and them after their abilities and faculties well and sufficiently from time to time to cause to be Arrayed and Weaponed, and to take the muster of them in places most fit for that purpose.

And shall have power within the said County, to nominate and appoint such persons of quality as to him shall seem meet to be his Deputy Lieutenants to be approved of by both Houses of Parliament. And that any one or more of the said Deputies so assigned and approved of, shall in the absence, or by the command of the said have power and authority to do and execute within the County all such powers and authorities before in this present Ordinance contained. And shall have power to make Colonels and Captains, and other Officers, and to remove out of their places, and to make others, from time to time, as he shall think fit for that purpose. And his Deputies, Colonels, and Captains and other Officers shall have further power and authority to lead, conduct, and imploy the persons aforesaid Arrayed and Weaponed, as well within the County of as within any other part of this Realm of *England*, or Dominion of *Wales*, for the suppression of all Rebellions, Insurrections, and Invasions that may happen, according as they from time to time shall receive Directions by his Majesties Authority signified unto them by the Lords and Commons assembled in Parliament.

And it is further ordained, that such persons as shall not obey in any of the premisses, shall answer their neglect and contempt to the Lords and Commons in a Parliamentary way, and not otherwise, nor elsewhere, and that every the powers granted, as aforesaid, shall continue, untill it shall be otherwise ordered or declared by both Houses of Parliament, and no longer.

This to go also to the Dominion of Wales.

John Brown. Cler. Parliament.

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CHAR

CHARLES REX.

To Our trustie and right welbeloved Counsellor, Edward Lord
Littleton, Keeper of the great Seale.

Right

TRusty, and Right welbeloved Counsellour, We greet you well, Our will and pleasure is, that you deliver to be read in the House of Peeres this Our answer to the desire from both Houses concerning the *Militia*; and for so doing, this shall be your sufficient warrant. Given at Our House at *Greenwich* the 28. of *February*, 1641.

His Majesties Answer to both Houses of Parliament,
concerning the *Militia*, February, 28. 1641.

HIS Majesty having with his best care and understanding, perused and considered that which was sent him from both Houses, for the ordering of the *Militia* presented unto him to be made an Ordinance of Parliament, by the giving of his Royall Assent as he can by no meanes doe it for the reasons hereafter mentioned, so he doth not conceive himselfe obliged by any promise made in his Answer of the second of this moneth, to the Petition of both Houses to yeeld the same.

His Majestie finds great cause to accept against the Preface or Introduction to that Order, which confesseth a most dangerous and desperate designe upon the House of Commons of late, supposed to be an effect of the bloody counsells of Papists and other ill affected persons, by which many may understand (looking upon other Printed Papers to that purpose) His comming in Person to the House of Commons on the fourth of January, which begot so unhappy a misunderstanding betweene him and his People, and for that though he beleeves it upon the information since given him to be an apparant breach of their priviledge; and hath offered, and is ready to repaire the same for the future, by any Act shall be desired of his Majesty, yet he must declare and require to be beleaved, that he had no other designe upon that House or any Member of it, then to require as he did the persons of those five Gentlemen, his Majesty had the day before accused of high Treason, and to declare that he meant to proceed against them legally and speedily, upon which he beleaved that House would have delivered them up, and his Majestie calls the Almighty
God

God to witnesse, that he was so farre from any intention or thought of force or violence, although that House had not delivered them according to his demand, or in any case whatsoever, that he gave those his Servants and others, who then waited on his Majesty, expresse charge and command that they should give no offence to any man, nay if they received any provocation or injury that they should beare it without returne, and his Majesty neither saw or knew that any person of his traine had any other weapons, but his Pensioners and Guard, those with which they usually attend his Person to Parliament, and the other Gentlemen swords. And therefore his Majesty doubts not but His Parliament will bee regardfull of his honour herein, that he shall not undergee any imputation by the rash or indiscreet expressions of any Young men then in his Traine, or by any desperate words uttered by others, who might mingle with them without his consent or approbation.

For the persons nominated to be Lieutenants of the severall Counties of *England* and *Wales*, his Majesty is contented to allow that recommendation, onely concerning the City of *London* and such other Corporations, as by ancient Charters have granted unto them the power of the *Militia*: his Majesty doth not conceive, that it can stand with justice or policy to alter their government in that particular.

And His Majestie is willing forthwith to grant every of them, that of *London*, and those other Corporations excepted, such Commissions as he hath done this Parliament to some Lord Lieutenants by your advise, but if that power be not thought enough, but that more shall be thought fit, to bee granted to these persons named then by the Law is in the Crowne it selfe, His Majestie holds it reasonable, that the same be by some Law first vested in him, with power to transerre it to these persons, which hee will willingly doe; and what ever that power shall be, to avoid all future doubts and questions, His Majestie desires it may be digested into an Act of Parliament rather then an Ordinance, so that all his loving subjects may thereby particularly know both what they are to doe, and what they are to suffer, for their neglect, that there be the least latitude for his good subjects to suffer under any Arbitrary power whatsoever.

As to the time desired for the continuance of the powers to be granted, His Majestie giveth this Answer, That He cannot consent to devest Himselfe of the just power which God and the Lawes of this Kingdome have placed in Him for the defence of His people, and to put it into the hands of others for any indefinite time. And since the ground of this Request from His Parliament was to secure their present feares and jealousies, that they might with safety apply themselves to the matter of His Message of the 20. of January, His Majestie

hopeth that His Grace to them since that time in yeelding to so many of their desires, and in agreeing to the Persons now recommended to Him by His Parliament, and the power before expressed to be placed in them wil wholly dispell those feares and Jealousies, and assureth them that as His Majestie hath now applied this unusuall remedy to their doubts, so (if there shall be cause) Hee will continue the same to such time as shall be agreeable to the same care Hee now expresseth towards them.

And in this Answer, His Majesty is so farre from receding from any thing He promised, or intended to grant in His Answer to the former Petition, that His Majestie hath hereby consented to all was then asked of Him by that Petition concerning the *Militia* of the Kingdome (except that of *London* and those other Corporations) which was to put the same into the hands of such persons as should be recommended unto Him by both Houses of Parliament: And His Majestie doubts not, but the Parliament, upon well weighing the particulars of this His Answer, will find the same more satisfactory to their ends, and the peace and welfare of all His good Subjects, then the way proposed by this intended Ordinance, to which, for these Reasons, His Majestie cannot consent. And whereas his Majestie observes by the Petition of both Houses, presented to Him by the Earle of *Portland*, Sir *Thomas Heale*, and Sir *William Savile*, That in some places, some persons begin already to intermeddle of themselves with the *Militia*, His Majestie expecteth that His Parliament should examine the particulars thereof, it being a matter of high Concernment, and very great Consequence.

And His Majesty requireth, that if it shall appeare to His Parliament, that any persons whatsoever have presumed to command the *Militia* without lawfull Authoritie, they may be proceeded against according to Law.

A Copie of the Petition of both Houses of Parliament,
concerning the *Militia*, &c.

Presented to his MAJESTIE at *Theobalds*,
I. Martii, 1641.

Most Gracious Sovereigne,

YOUR Majesties most loyall and obedient Subjects, the Lords and Commons in Parliament, doe find their just apprehensions of sorrow and feare, in respect of the publicke dangers and miseries like to fall upon Your Majestie and the Kingdome, to be much increased, upon the receipt of
Your

Your unexpected denyall of their most humble and necessary Petition, concerning the *Militia* of the Kingdome; especially grieving, that wicked and mischievous Counsellours should still have that power with Your Majestie, as in this time of imminent and approaching Ruine, rather to incline Your Resolutions to that which is apt to further the accomplishment of the desires of the most malignant enemies of Gods true Religion, and of the peace and safetie of Your Selfe, and Your Kingdome, then to the dutifull and faithfull Counsell of Your Parliament.

Wherefore they are enforced in all humility to Protest, That if Your Majestie shall persist in that denyall, the dangers and dislemperers of the Kingdome are such, as will indure no longer delay: But unlesse You shall bee graciously pleased to assure them by these Messengers, that you will speedily apply Your Royall Assent to the satisfaction of their former desires, they shall be enforced, for the safetie of Your Majestie and Your Kingdomes, to dispose of the *Militia* by the Authority of both Houses, in such manner as hath been propounded to Your Majestie, and they resolve to doe it accordingly.

They likewise most humbly beseech your Majestie to beleeve, That the dangerous and desperate Designe upon the House of Commons, mentioned in their Preamble, was not inserted with any intention to cast the least aspersion upon Your Majestie, but therein they reflected upon that malignant party, of whose bloody and malicious practices they have had so often experience, and from which they can never be secure, unlesse Your Majestie will be pleased to put from You those wicked and unfaithfull Counsellours, who interpose their owne corrupt and malicious Designes betwixt Your Majesties Goodnesse and Wisdome, and the prosperity and contentment of Your Selfe, and of Your people: And that for the dispatch of the great affaires of the Kingdome, the safetie of Your Person, the protection and comfort of Your Subjects, You will be pleased to continue Your abode neere to *London* and the Parliament, and not to withdraw Your Selfe to any the remoter parts; which if Your Majestie should doe, must needs bee a cause of great danger and distraction.

That Your Majestie will likewise bee graciously pleased to continue the Prince his Highnesse in these parts at Saint *James* or any other of Your houses neere *London*, whereby the Designes which the enemies of the Religion and Peace of this Kingdome may have upon his Person, and the jealousies and feares of Your People may be prevented.

And they beseech Your Majestie to be informed by them, That by the Lawes of the Kingdome, the power of raising, ordering, and disposing of the *Militia*, within any Citie, Towne, or other place, cannot be granted to any Corporation by Charter, or otherwise, without the authoritie and consent of

Parliament : And that those parts of the Kingdome which have put themselves in a posture of defence against the common danger, have therein done nothing but according to the Declaration and direction of both Houses, and what is justifiable by the Lawes of this Kingdome.

All which their most humble counsell and desires, they pray your Majestie to accept, as the effect of that Dutie and Allegiance which they owe unto You, and which will not suffer them to admit of any thoughts, intentions, or endeavours, but such as are necessary and advantageous for Your Majesties Greatnesse and Honour, and the safetie and prosperitie of the Kingdome, according to that Trust and Power which the Lawes have reposed in them.

His Majesties Answer to the Petition of both Houses,
Presented the first of *March*, 1641.

I Am so much amazed at this Message, that I know not what to Answer : You speake of Jealousies and Feares : Lay your hands to your hearts, and aske your selves whether I may not likewise be disturbed with Feares and Jealousies : And if so, I assure you this Message hath nothing lessened them.

For the *Militia*, I thought so much of it before I sent that Answer, and am so much assured that the Answer is agreeable to what in Justice or Reason you can aske, or I in Honour grant, that I shall not alter it in any point.

For my Residence neere you, I wish it might bee so safe and Honourable, that I had no cause to absent my Selfe from *White-hall* ; Aske your selves whether I have not.

For my Son, I shall take that care of him, which shall justifie me to God as a Father, and to my Dominions as a King.

To conclude, I assure you upon my Honour, that I have no thought but of Peace and Justice to my People, which I shall by all faire meanes seeke to preserve and maintaine, relying upon the Goodnesse and Providence of God, for the preservation of my Selfe and Rights.

F I N I S.

Divers

Divers Questions upon his Majesties last Answer, concerning the *Militia*, Resolved upon by the House of Commons.

Resolved, &c. That this Answer of his Majesty is a denyall to the desires of both Houses of Parliament, concerning the *Militia*.

Resolved, &c. That those that advised his Majesty to give this Answer, are Enemies to the State, and mischievous Projectors against the defence of the Kingdom.

Resolved, &c. That this denyall is of that dangerous Consequence, that if his Majesty shall persist in it; It will hazard the peace and safety of all his Kingdoms, unless some speedy remedy be applied by the Wisdom and Authority of both Houses of Parliament.

Resolved, &c. That such Parts of this Kingdom as have put themselves into a Posture of defence against the common danger, have done nothing but what is justifiable, and is approved by the House.

Resolved, &c. That if his Majesty shall remove into any remote Parts from his Parliament, it will be a great hazard to the Kingdom; and a great prejudice to the Proceedings of the Parliament.

Resolved, &c. That this House holds it necessary, That his Majesty may be desired, That the Prince may come unto Saint James, or to some other convenient place neer about London, and there to continue.

Resolved, &c. That the Lords be desired to joyne with this House in an humble request unto his Majesty; That he will be pleased to reside neer his Parliament; That both Houses may have a convenience of Access unto him upon all occasions.

Resolved, &c. That the Lords be moved to joyn with this House in some fit course of examination, to find who were the Persons that gave his Majesty this advice, That they may be removed from his Majesty, and brought to condigne punishment.

Resolved, &c. That no Charter can be granted by the King, to create a power in any Corporation, over the *Militia* of that place, without consent of Parliament.

Resolved, &c. That the Lords shall be moved to joyne with this House in these Votes.

Resolved, &c. That the Lords shall be desired to appoint a select Committee, that may joyn with a Committee of a proportionable number of this House; to consider, and prepare what is fit to be done upon these Votes, or upon any thing else that may arise upon this Answer of his Majesty concerning the *Militia*, and concerning the Prince.

March

March 2.

Questions resolved upon by both Houses of Parliament.
With an Order for the speedy Rigging of the
Navy, for the defence of the
Kingdom.

Resolved, &c. That the Kingdom be forth-with put into a Posture of defence, by Authority of both Houses, in such a way as is already agreed upon by both Houses of Parliament.

Resolved, &c. That the Lords be desired to joyne with the House of Commons in this Vote.

Resolved, &c. That a Committee shall be appointed to prepare a Declaration upon these two Heads, *viz.*

I. To lay downe the just causes of the feares and jealousies given to these Houses: and to clear these Houses from any jealousies conceived against them.

II. And to consider of all matters that may arise upon this Message of his Majestie and to declare their opinions what is fit to be done thereupon.

Die Mercurii, 2 Martii.

THe Lords and Commons in this present Parliament assembled, having received advertisement of extraordinary preparations made by the neighbouring Princes, both by Land and Sea; the intentions whereof have bin so represented, as to raise an apprehension in both Houses, That the publike Honour, Peace, and Safety of his Majesty and his Kingdom cannot be secured, unless a timely course be taken for the putting of this Kingdom into a Condition of defence, at Sea, as well as Land. It is therefore Ordered by the Lords and Commons aforesaid, That the Earl of *Northumberland*, Lord high Admirall of *England*, do forth-with give effectuall direction and order, that all and every the Ships belonging to his Majesties Navy, which are fit for service, and not already abroad, nor designed for this Summers Fleet, be with all speed rigged, and put in such a readinesse, as that they may soone be fitted for the Sea; And that his Lordship do also make knowne unto all the Masters and Owners of such Ships as now are in, or about any the Harbours of this Kingdom, and may be of use for the publike defence thereof, That it will be an acceptable service to the King and Parliament, if they likewise will cause their Ships to be Rigged, and so far put in a readinesse, as they may be at a short warning set forth to Sea, upon any immergent occasion, which will be a means of great security to his Majesty and his Dominions.

The

The Declaration.

May it please your Majestie,

ALthough the Expressions in your Majesties Message of the second of this instant *March*, do give just cause of sorrow to us your faithfull Subjects, the Lords and Commons in Parliament, yet it is not without some mixture of confidence and hope, considering they proceeded from the mis-apprehension of our Actions and Intensions, which having no ground of Truth or Reality, may by your Majesties Justice and Wisdome be removed when your Maiestie shall be fully informed, that those Feares and Jealousies of ours, which your Maiestie thinks to be causlesse, and without any just ground, doe necessarily and cleerly arise from those dangers and distempers, into which the mischievous and evill Counsels about you have brought this Kingdom; And that those other Fears and Jealousies, by which your favour, your Royall Presence, and confidence have been withdrawn from your Parliament, have no foundation or subsistence in any action, intention, or miscarriage of ours, but are meerly grounded upon the falshood and malice of those, who, for the supporting and fomenting their own wicked designs, against the Religion and Peace of the Kingdom, do seek to deprive your Maiestie of the Strength and Affection of your People, them of your Grace and Protection, and thereby to subject both your Royall Person, and the whole Kingdom to ruine and destruction.

To satisfie your Majesties judgment and conscience in both these points, wee desire to make a cleer and free Declaration of the causes of our feares and jealousies, which we offer to your Maiestie, in these particulars:

1 That the designe of altering Religion in this, and in your other Kingdoms, hath been potently carried on by those in greatest Authority about you for divers yeeres together, the Queens Agent at *Rome*, and the Popes Agent or Nuncio here, are not onely evidences of this designe, but have beene great Actors in it.

2 That the War with *Scotland* was procured to make way for this intent, and chiefly inviaed and fomented by the Papiests, and others popishly affected, whereof we have many evidences, especially their free and generall contribution to it.

3 That the Rebellion in *Ireland* was framed and contrived here in *England*, and that the English Papiests should have risen about the same time, wee have severall testimonies, and advertisements from *Ireland*; and that it is a common speech amongst the Rebels, wherewith concur other Evidences and observati-

ous of the suspitions, meetings, and consultations, the tumultuary and seditious carriage of those of that Religion in divers parts of this Kingdom about the time of the breaking out of the Irish Rebellion; The deposition of *O Connelly*, the Information of Master *Cole* Minister, the Letter of *Trestram Whitcombe*, the deposition of *Thomas Crant*, and many others which wee may produce, do all agree in this. The publike Declaration of the Lords, Gentlemen, and others of the Pale, that they would joyn with the Rebels, whom they call the Irish Army, or any other, to recover unto his Maiesty his Royall Prerogative, wrested from him by the Puritan Faction in the Houses of Parliament in *England* and to mayntain the same against all others, as also to mayntain Episcopall Jurisdiction, and the lawfulnessse thereof; these two being Quarrels, upon which his Maiesties late Army in the North should have bin incen'd against us.

The great cause we have to doubt that that late designe styled, *The Queenes pious intention*, was for the alteration of Religion in this Kingdom, for successe whereof, the Popes Nuncio, the Count *Rosetti* injoynd Fasting and Praying to be observed every Week by the English Papists; which appeared to us by one of the Originall Letters, directed by him to a Priest in *Lancashire*.

The boldnesse of the Irish Rebels, in affirming they do nothing, but by Authority from the King; That they call themselves the Queens Army: That the prey or booty which they take from the *English*, they marke with the Queens Mark: That their purpose was to come to *England*, after they had done in *Ireland*, and sundry other things of this kinde proved by *O Connelly*, and divers others, especially in the fore-mentioned Letter from *Trestram Whitcombe*, the Major of *Kinsale*, to his Brother *Benjamin Whitcombe*, wherein there is this passage, That many other strange speeches they utter about Religion, and our Court of *England*, which he dares not commit to paper.

The manifold attempts to provoke Your Maiesties late Army, and the Army of the *Scots*, and to raise a faction in the City of *London*, and other parts of the Kingdom: That those who have beene Actors in those busineses, have had their dependance, their countenance, and encouragement from the Court; Witnesse the Treason whereof Master *Iermin* and others stand accused, who was transported beyond Sea by Warrant under Your Maiesties Hand, after Your Maiesty had given Assurance to your Parliament, that Your Maiesty had laid a strict command upon all your Servants, that none of them should depart from Court: And that dangerous Petition, delivered to Captain *Leg*, by your Maiesties own Hand, accompanied with a Direction, Signed with *C. R.*

The false and scandalous accusation against the Lord *Kimbolton*, and the five Members of the House of Commons, tendred to the Parliament by your Maiesties own Command, endeavoured to be justified in the City, by your owne
pre-

presence and perswasion, and to be put in execution upon their persons, by your Majesties demand of them in the House of Commons, in so terrible and violent a manner, as far exceeded all former breaches of Priviledges of Parliament, acted by your Majesty, or any of your Predecessors: And whatsoever your own intentions were, divers bloody and desperate persons which attended your Majestie, discovered their affections and resolutions to have massacred and destroyed the Members of that House, if the absence of those persons accused had not, by Gods providence, stopt the giving of that word which they expected, for the setting them upon that barbarous and bloody act: The Lifting of so many Officers, Souldiers, and others, putting them into pay, and under command of Colonels, feasting and caressing them in an unusuall manner at *Whitehall*, thereby mayntaining them in the violent assaults, and other iniuries which they offered to divers of your Subjects, comming that way in a lawfull and peaceable manner: the carrying them out of Towne, after which they were told by the Lord *Digby*, That the King removed on purpose, that they might not be trampled in the dirt: And keeping them so long in pay, endeavouring to ingage the Gentlemen of the Innes of Court, in the same course: The plotting and designing of a perpetuall Guard about your Majesty: The labouring to insufe into your Majesties Subjects an evill opinion of the Parliament, thorow the whole Kingdome, and other Symptomes of a disposition of raysing Arms, and dividing your people by a Civill War; in which combustion *Ireland* must needs be lost, and this Kingdom miserably wasted and consumed, if not wholly ruined and destroyed.

That after a Vote had passed in the House of Commons, declaring, That the Lord *Digby* had appeared in a warlike manner at *Kingston upon Thames*, to the terrour and fright of your Majesties good Subjects, and disturbance of the public peace of the Kingdom; and that therefore the Lords should be moved to require his attendance, he should neverthelesse, be of that credit with your Majesty, as to be sent away by your own Warrant to Sir *John Pennington*, to land him beyond the Sea; from whence hee vented his owne traiterous conceptions, That your Majesty should declare your self, and retire to a place of strength in this Kingdom, as if your Majesty could not be safe among your people: And withall took that transcendent boldnesse to write to the Queen, offering to entertain correspondency with her Majesty by Cyphers, intimating some service which he might do in those Parts; for which, he desired your Majesties instructions, whereby in probability, hee intended the procuring of some forraigne Force to strengthen your Majesty, in that condition into which he would have brought you: Which false and malicious counsell and advice, wee have great cause to doubt, made too deep an impression in your Majesty, considering the course you are pleased to take, of absenting your self from your Parliament,

and carrying the Prince with you, which seemes to expresse a purpose in your Majestie, to keep your selfe in a readinesse for the acting of it.

The manifold Advertisements which we have had from *Rome, Venice, Paris*, and other parts, that they still expect that your Majestie has some great Designe in hand, for the altering of Religion, the breaking the neck of your Parliament: That you will yet find meanes to compasse that Designe, that the Popes *Nuncio* hath solicited the Kings of *France* and *Spainne* to lend your Majestie foure thousand men a-piece to help to maintaine your Royaltie against the Parliament: And this Forraigne force, as it is the most pernicious and malignant Designe of all the rest, so we hope it is and shall alwayes bee farthest from your Majesties thoughts, because no man can beleewe you will give up your people and Kingdome to be spoyled by strangers, if you did not likewise intend to change both your owne profession in Religion, and the publick profession of the Kingdome, that so you might still be more assured of those Forraigne States of the Popish Religion, for your future support and defence.

These are some of the grounds of our feares and Jealousies which made us so earnestly to implore your royall Authoritie and protection for our defence and securitie, in all the wayes of Humilitie and submission, which being denied by your Majestie seduced by evill Counsell, we doe with sorrow for the great & inavoydable misery and danger, which thereby is like to fall upon your owne person, and your Kingdomes apply our selves to the use of that power for the securitie and defence of both, which by the fundamentall Lawes and Constitutions of this Kingdome resides in us, yet still resolving to keepe our selves within the bounds of faithfulnessse and allegiance to your sacred Person and your Crowne, so as to the second sort of Jealousies and feares of Us, expressed by your Majestie, we shall give a shorter, but as true, and as faithfull an Answer.

Whereas Your Majestie is pleased to say that for your residence neere the Parliament, you wish it might be so safe, and honourable, that you had no cause to absent your selfe from *Whitehall*; This we take as the greatest breach of Priviledge of Parliament that can be offered; As the heaviest misery to your selfe, and imputation upon us that can be imagined, And the most mischievous effect of evill Councells; it roots up the strongest foundation of the safetie and honour which your Crowne affords; It seemes as much as may be, to cast upon the Parliament, such a charge, as is inconsistent with the nature of that great Councell, being the body whereof your Majesties is the head; it strikes at the very being, both of King, and Parliament; depriving your Majestie in your owne apprehension of their fidelity, and them of your protection, which are the mutuall bands and supports of Government, and Subjection.

We have according to your Majesties desire, laid our hands upon our hearts,

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we have askt our selves in the strictest examination of our Consciences; wee have searcht our affections, our thoughts, considered our Actions, and we find none that can give your Majestie any just occasion to absent your selfe from *Whitehall*, and the Parliament; but that you may with more honour and safety, continue there then in any other place.

Your Majestie layes a generall tax upon us; If you will be graciosly pleased to let us know the particulars, we shall give a cleere and satisfactory Answer: But what hope can we have of ever giving your Majestie satisfaction, when those particulars which you have been made beleeeve were true, yet being produced and made knowne to us, appeared to be false; and your Majestie notwithstanding, will neither punish, nor produce the Authours, but goe on to contract new Jealousies and Feares, upon generall and uncertaine grounds, affording us no meanes or possibilitie of particular Answer, to the cleering of our selves; For prooffe whereof, we beseech your Majestie to consider these Instances.

The Speeches alledged to be spoken in a meeting of divers Members of both Houses at *Kensington*, concerning a purpose of restraining the Queene and Prince, which after it was denied, and disavowed, yet your Majestie refused to name the Authors, though humbly desired by both Houses.

The report of Articles framed against the Queenes Majestie, given out by some of neere relation to the Court; but when it was publickly, and constantly disclaimed, the credit seemed to be withdrawne from it; but the Authors being kept safe, will alwayes be ready for exploits of the same kind, wherewith your Majesty, and the Queen, will be often troubled, if this course be taken to cherish and secure them in such wicked and malicious slanders.

The heavy charge and accusation of the Lord *Kimbolton*, and the five Members of the House of Commons, who refused no tryall or examination, which might stand with the Priviledge of Parliament; yet no Authors, no witnesses produced, against whom they may have reparation for the great injurie and infamy cast upon them; notwithstanding three severall Petitions of both Houses, and the authority of two Acts of Parliament, vouched in the last of those Petitions.

Wee beseech your Majestie to consider in what State you are, how easie, and faire a way you have to happinesse, honour, greatnesse, plenty, and security; if you will joyne with the Parliament, and your faithfull Subjects in defence of the Religion, and publick good of the Kingdome: This is all wee expect from you, and for this we shall retorne to you, our lives, fortunes, and uttermost endeavours to support your Majestie, your just Sovereignty and power over us, but it is not words that can secure us in these our humble desires; wee cannot but too well, and sorrowfully remember what gracious Messages we had

from you this Summer, when with your privitie, the bringing up the Army was in agitation : we cannot but with the like affections recall to our minds, how not two dayes before, you gave directions for the above-mentioned accusation, and your owne comming to the Commons House, that House received from your Majestie a gracious Message, that you would alwayes have care of their Priviledges, as of your owne Prerogative, of the safetie of their persons, as of your owne children : That which we expect, which will give us assurance, that you have no thought, but of peace and justice to your People, must bee some reall effect of your goodnesse to them in granting those things, which the present necessity of the Kingdome, doe inforce vs to desire : And in the first place, that your Majestie will be graciously pleased to put from you, those wicked and mischievous Counsellours, which have caused all these dangers and distractions, and to continue your owne Residence, and the Princes neere London, and the Parliament, which we hope will be a happy beginning of contentment, and confidence betwixt your Majestie, and your People, and be followed with many succeeding blessings of Honour and greatnesse to your Majestie, and of securitie and prosperitie to them.

The Additionall Reasons,

THe Lords and Commons have commanded us to present unto your Majesty this further Addition to their former Declaration.

That your Majesties returne, and continuance neere the Parliament, is a matter in their apprehension of so great necessity and importance towards the preservation of your Royall Person and your Kingdomes, that they cannot thinke they have discharged their duties in the single expression of their desire, unlesse they adde some further Reasons to backe it with.

I. Your Majesties absence will cause men to beleve, that it is out of designe to discourage the undertakers, and hinder the other Provisions for raising money for defence of Ireland.

II. It will very much hearten the Rebels there, and dis-affected persons in this Kingdome, as being an evidence, and effect of the jealousie and division betwixt your Majesty, and your people.

III. That it will much weaken and withdraw the affection of the Subject from your Majesty, without which a Prince is deprived of his chiefe strength and lustre, and left naked to the greatest dangers and miseries, that can bee imagined.

IIII. That it will inuene and encourage the Enemies of our Religion, and the

the State, in forraigne Parts, to the attempting, and acting of their evill designs and intentions towards us.

V. Thus it causeth a great interruption in the proceedings of Parliament.

These considerations threaten so great danger to your Majesties Person, and to all your Dominions, that as your Majesties great Counsell, they hold it necessary to represent to You, this their faithfull Advice, that so whatsoever followeth, they may be excused before God and man.

His Majesties Speech to the Committee, the ninth of
March. 1641. when they presented the Declaration
of both Houses of Parliament at
New-market.

I Am confident that you expect not I should give you a speedy Answer to this strange and unexpected Declaration; And I am sorry (in the Distraction of this Kingdome) you should thinke this way of Adresse to be more convenient, then that proposed by my Message of the 20 of January last to both Houses.

As concerning the grounds of your Feares and Jealousies, I will take time to answer particularly and doubt not but I shall doe it to the satisfaction of all the World. God, in his good time, will, I hope, discover the secrets and bottoms of all Plots and Treasons; and then I shall stand right in the eyes of all my People. In the meane time, I must tell you, That I rather expected a Vindication for the Imputation laid on me in Master *Pims* Speech, then that any more generall Rumours and Discourses should get credit with you.

For my Feares and Doubts, I did not thinke they should have been thought so groundlesse or trivially, while so many Seditious Pamphlets and Sermons are looked upon, and so great Tumults are remembred, unpunished, uninquired into: I still confesse my Feares, and call God to witnesse, That they are greater for the true Protestant Profession, my People, and Lawes, then for my own Rights or Safetie; though I must tell you, I conceive that none of these are free from danger.

What would you have? Have I violated your Lawes, Have I denied to passe any one Bill for the ease and security of my Subjects? I doe not aske you what you have done for Me.

Have any of my People been transport with Feares and Apprehensions? I
have

have offered as free and generall a Pardon, as your selves can devise. All this considered, There is a Judgement from Heaven upon this Nation, if these Distractions continue.

God so deale with Me and Mine, as all my thoughts and Intentions are upright for the maintenance of the true Protestant Profession, and for the Observation, and Preservation of the Lawes of this Land: And, I hope, God will blesse and assist those Laws for my Preservation.

As for the Additionall Declaration, you are to expect an Answer to it, when you shall receive the Answer to the Declaration it selfe.

Some Passages that happened the 9. of *March*, betweene the Kings Majestie and the Committee of both Houses, when the Declaration was delivered.

When His Majestie heard that Part of the Declaration which mentioned Master *Iermis* Transportation, His Majestie interrupted the Earle of *Holland* in reading, and said, That's false. Which being afterwards toucht upon againe, His Majestie then said, 'Tis a lye. And when he was informed, it related not to the Date, but the Execution of the Warrant. His Majestie said, it might have been better expressed then, and that it was a high thing to taxe a King with breach of Promise. As for this Declaration, His Majestie said, I could not have beleev'd the Parliament would have sent me such a one, If I had not seene it brought by such persons of honour. I am sorry for the Parliament, but glad I have it: For by that, I doubt not to satisfie my People; though I am confident, the greater part is so already.

Yee speake of ill Councels, but I am Confident, the Parliament hath had worse informations then I have had Councels, His Majesty asking what hee had denied the Parliament, The Earle of *Holland* instanced that of the *Militia*, his Majestie replied, that was no Bill: the Earle of *Holland* then said, it was a necessary request at this time, and his Majesty also then said, he had not denied it.

What passed the next day, when his Majestie delivered his Answer.

VVhich was read by the Earle of *Holland* to the rest of the Committee, And that being done, His Lordship endeavoured to perswade his Majestie to come neere the Parliament. Whereunto his Majestie answered, I would

would you had given me cause, but I am sure this Declaration is not the way to it. And in all *Aristotles Rhetoricks* there is no such Argument of perswasion. The Earle of *Pembroke*, thereupon telling him that the Parliament had humbly besought His Majesty to come neere them aforesaid, His Majestie replied, He had learnt by Our Declaration, that words were not sufficient. His Majesty being then again moved by the said Earle of *Pembroke* to expresse what he would have: said, He would whip a Boy in *Westminster Schoole* that could not tell that by his Answer. And further said, They were much mistaken, if they thought his Answer of that, a deniall. And being also asked by the said Earle of *Pembroke*, Whether the *Militia* might not be granted, as was desired, by the Parliament, for a time. His Majesty swore, By God, not for an houre; you have askt that of me in this, was never askt of a King, and with which I will not trust my Wife and Children.

His Majestie said, The Businesse of Ireland will never be done in the way that you are in, Foure hundred will never doe that Work, It must be put into the hands of One. If I were trusted with it, I would pawn my head, to end that Work, And though I am a beggar my self, yet (speaking with a strong asseveration) I can find money for that.

His Majesties Declaration to both Houses of Parliament,
(Which He likewise recommends to the consideration
of all His loving Subjects) in Answer to That
presented to Him at *Newmarket*, the
ninth of *March*, 1641.

THough the Declaration lately presented to Us at *New-market*, from both Our Houses of Parliament, be of so strange a nature, in respect of what We expected (after so many Acts of Grace and Favour to Our People) and some expressions in it so different from the usuall Language to Princes, that We might well take a very long time to consider it; Yet the cleernesse and up-rightnesse of Our Conscience to God, and love to Our Subjects, hath supplied Us with a speedy Answer, and Our unalterable Affection to Our People prevailed with Us, to suppress that passion which might well enough become Us, upon such an Invitation.

We have reconsidered Our Answer of the first of this moneth at *Theobalds*,
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which is urged to have given just cause of sorrow to Our Subjects. Whosoever looks over that Message (which was in effect to tell Us, That if We would not joyn with them (in an Act which We conceived might prove prejudiciall and dangerous to Us and the whole Kingdom) they would make a Law without Us, and impose it upon Our People) will not thinke that sudden Answer can be excepted to.

We have little encouragement to Replies of this nature, when We are told of how little value Our words are like to be with you, though they come accompanied with all the Actions of Love and Justice (where there is room for Actions to accompany them) yet We cannot but disavow the having any such evill Councell or Councellours about Us, to Our knowledge as are mentioned, and if any such be discovered, Wee will leave them to the Censure and Judgment of Our Parliament: In the mean time, Wee could wish, that Our owne immediate Actions which Wee avow, and Our owne Honour might not be so roughly censured and wounded, under that common stile of Evill Councellours.

For Our faithful & zealous affection to the true Protestant Profession, & Our resolution to concur with Our Parliament in any possible course for the propagation of it & the suppression of Popery, We can say no more then We have already expressed in our Declaration to all Our loving Subjects, published in *January* last, by the advice of Our Privy Councell, in which We endeavoured to make as lively a Confession of our Self in this point as we were able, being most assured that the constant Practice of Our Life hath been answerable thereunto: And therefore Wee did rather expect a Testimony and Acknowledgment of such Our Zeal and Piety, then those Expressions Wee meet with in this Declaration, of any designe of altering Religion in this Kingdom. And Wee doe (out of the innocencie of Our Soul) wish, That the Judgments of Heaven may be manifested upon those, who have, or had any such Designe.

As for the *Scots* troubles, We had well thought that those unhappy differences had been wrapt up in perpetuall silence, by the Act of Oblivion, which being solemnly past in the Parliaments of both Kingdoms, stops Our mouth from any other Reply then to shew Our great dislike for reviving the memory thereof.

If the Rebellion in *Ireland* (so odious to all Christians) seemes to have been framed and maintained in *England*, or to have any countenance from hence, We conjure both Our Houses of Parliament, and all Our loving Subjects whatsoever, to use all possible meanes to discover and find such out, that Wee may joyn in the most exemplary vengeance upon them that can be imagined: But We must think Our self highly and causlessly injured in Our Reputation, if any
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Declaration, Action, or Expression of the Irish Rebels, any Letter from Count *Rosette* to the Papiſts for Faſting and praying, or from *Treſtram Whitcombe*, of ſtrange ſpeeches uttered in *Ireland*, ſhall beget any jealousie, or miſapprehenſion in our Subjects, of Our Juſtice, Piety and Affection, it being evident to all underſtandings, That thoſe miſchievous and wicked Rebels, are not ſo capable of great advantage, as by having their falſe diſcourſes ſo far believed, as to raiſe Fears and Jealouſies to the diſtraction of this Kingdom, the onely way to their ſecurity: And We cannot expreſſe a deeper ſenſe of the ſuffering of Our poore Proteſtant Subjects in that Kingdom, then Wee have done in Our often Meſſages to both Houſes, by which Wee have offered, and are ſtill ready to venture Our Royall Perſon for their Redemption, well knowing, that as VVe are (in Our own Intereſt) more concerned in them, ſo VVe are to make a ſtrict Account to Almighty God for any neglect of Our duty, or their preſervation.

For the manifold attempts to provoke Our late Army, and the Army of the *Scots*, and to raiſe a Faction in the City of *London*, and other parts of the Kingdom: If it be ſaid, as relating to Us, VVe cannot without great indignation, ſuffer Our Self to be reproached, to have intended the leaſt Force or threatening to Our Parliament; as the being privy to the bringing up of the Army would imply: Whereas We call God to witneſſe, We never had any ſuch thought or knew of any ſuch reſolution concerning Our late Army.

For the Petition ſhewed to Us by Captain *Legge*, VVe well remember the ſame and the occaſion of that Conference: Captaine *Legge* being lately come out of the North, and repairing to Us at *Whitehall*, VVe asked him of the ſtate of Our Army, and (after ſome relation made of it) hee told Us, That the Commanders and Officers of the Army had a mind to petition the Parliament, as others of Our people had done, and ſhewed Us the Copy of a Petition, which VVe read, and finding it to be very humble, deſiring the Parliament might receive no interruption in the Reformation of the Church and State, to the modell of Queene *Elizabeths* days; VVe told him, VVe ſaw no harme in it: Whereupon he replied, That he believed all the Officers of the Army would like it, onely he thought Sir *Jacob Aſhley* would be unwilling to ſigne it, out of feare that it might diſpleaſe Us. VVe then read the Petition over again, and then obſerving nothing in matter or forme, Wee conceived could poſſibly give juſt cauſe of offence, VVe delivered it to him again, bidding him give it to Sir *Jacob Aſhley*, for whoſe ſatisfaction VVe had written C. R. upon it, to teſtifie Our approbation; and VVe wiſh that the Petition might be ſeen and publiſhed, and then VVe believe it will appeare no dangerous one, nor a juſt ground for the leaſt jealousie or miſapprehenſion.

For Master *Termin*, it is well known that he was gone from *Whitehall* before VVe received the desire of both Houses for the restraint of Our servants, neither returned hee thither, or passed over by any VVarrant granted by Us after that time.

For the breach of Priviledge in the Accusation of the Lord *Kimbolton*, and the five Members of the House of Commons, VVe thought VVe had given so ample satisfaction in Our severall Messages to that purpose, that it should be no more pressed against Us, being confident if the breach of Priviledge had bin greater then hath bin ever before offered, our acknowledg ment and retraction hath bin greater then ever King hath given, besides the not examining how many of Our Priviledges have bin invaded in defence and vindication of the other; And therefore We hoped Our true and earnest Protestation in Our Answer to your Order concerning the *Militia*, would so far have satisfied you of Our intentions ther, that you would no more have entertained any imagination of any other designe then We there exprest.

But why the lifting of so many Officers, and entertaining them at *Whitehall* should be misconstrued, We much marvell, when it is notoriously known, the tumults at *Westminster* were so great, and their demeanours so scandalous and seditious, that Wee had good cause to suppose Our owne Person, and those of Our Wife and Children to be in apparant danger, and therefore VVee had great reason to appoint a Guard about Us, and to accept the dutifull tender of the services of any of Our loving Subjects, which was all We did to the Gentlemen of the Innes of Court.

For the Lord *Digby*, VVe assure you in the word of a King, that he had Our Warrant to passe the Seas, and had left Our Court before VVee ever heard of the Vote of the House of Commons, or had any cause to imagine that his absence would have bin excepted against.

VVhat your Advertisements are from *Rome, Venice, Paris* and other parts, or what the *Pope's Nuncio* solicits the Kings of *France* or *Spain* to do, or from what persons such Informations come to you, or how the credit and reputation of such persons have bin sifted and examined, VVee know not, but are confident, no sober honest man in Our Kingdoms can believe, that VVee are so desperate or so senselesse, to entertain such Designes, as would not onely bury this Our Kingdom in sudden distraction and ruine, but Our own Name and Posterity in perpetuall scorn and infamy. And therefore VVe could have wished, that in matters of so high and tender a nature (wherewith the minds of Our good Subjects must needs be startled) all the expressions were so plain and easie, that nothing might stick with them with reflection upon Us, since you thought fit to publish it at all.

And

And having now dealt thus plainly and freely with you by way of Answer to the particular grounds of your Feares, We hope (upon a due consideration and weighing both together) you will not find the Grounds to be of that moment to beget, or longer to continue a misunderstanding betwixt Us, or force you to apply your selves to the use of any other power then what the Law hath given you, the which We alwayes intend shall bee the measure of Our owne power, and expect it shall be the rule of Our Subjects obedience.

Concerning Our Feares and Jealouties, as We had no intention of accusing you, so are We sure no words spoken by Us (on the sudden) at *Theobalds* will beare that Interpretation. We said for Our Residence nere you, Wee wisht it might be so safe and Honourable, that We had no cause to absent Our Selfe from *White-Hall*, and how this can bee a breach of Priviledge of Parliament Wee cannot understand. Wee explained Our meaning in Our Answer at *New-Market*, at the Presentation of this Declaration concerning the Printed seditious Pamphlets and Sermons, and the great tumults at *Westminster*: And We must appeale to you and all the world, whether We might not justly suppose Our Selfe in danger of either. And if We were now at *White-Hall*, what securitie have We, that the like shall not be againe, especially if any Delinquents of that nature have been apprehended by the Ministers of Justice, and been rescued by the People, and so as yet escape unpunished? If you have not bene informed of the seditious words used in, and the circumstances of those Tumults, and will appoint some way for the examination of them, We will require some of Our learned Councell to attend with such evidence as may satisfie you, and till that be done, or some other course taken for Our securitie, you cannot (with reason) wonder that We intend not to be where We most desire to be.

And can there yet want evidence of Our hearty and importunate desire to joyne with Our Parliament, and all Our faithfull Subjects, in defence of the Religion and publicke good of the Kingdome? Have We given you no other earnest but words, to secure you of those desires? The very Remonstrance of the House of Commons (published in *November* last) of the state of the Kingdome allows Us a more reall testimony of Our good Affections then words: that Remonstrance valued Our Acts of Grace and Justice at so high a rate, that it declared the Kingdome to be then a gainer, though it had charged it selfe by Bills of Subsidies and Pol-money, with the leavy of 600000 pounds, besides the contracting of a Debs to Our Scots Subjects of 220000 pounds.

Are the Bills for the Trienniall Parliament, For relinquishing Our Title of Imposing upon Merchandize, and Power of Pressing of Souldiers, for the taking away the Star-Chamber, and high Commission Courts, For the Regulating

lating the Councell Table, but words? Are the Bills for the Forests, The Stan-
nery Courts, The Clerke of the Market, And the taking away the Votes of
Bishops out of the Lords House, but words? Lastly, what greater earnest of
Our trust and reliance on Our Parliament could or can We give, then the pas-
sing of the Bill for the continuance of this present Parliament? The length of
which We hope will never alter the nature of Parliaments, and the Constitu-
tion of this Kingdome, or invite Our Subjects so much to abuse Our Confi-
dence, as to esteeme any thing fit for this Parliament to doe, which were not,
if it were in Our power to dissolve it to morrow. And after all these, and ma-
ny other Acts of Grace on Our part (that We might be sure of a perfect Re-
conciliation betwixt Us and all Our Subjects) We have offered, and are still
ready to grant a free and generall Pardon, as ample as your selves shall thinke
fit. Now if these be not reall expressions of the Affections of Our Soule, for
the publicke good of Our Kingdome, we must confesse that We want skill to
manifest them.

To conclude (although We thinke Our Answer already full to that point)
concerning Our Returne to *London*: Wee are willing to Declare, that Wee
looke upon it as a matter of so great weight, as with reference to the Affaires of
this Kingdom, and to our own inclinations & desires, that if all We can say, or
doe, can raise a mutuall Confidence (the onely way with Gods blessing to
make us all happy) and by your encouragement the Lawes of the Land, and
the government of the City of *London*, may recover some life for Our Securi-
ty, We will overtake your desires, and be as soone with you as you can wish.
And in the meane time, We will be sure, that neither the businesse of *Ireland*,
or any other advantage for this Kingdome shall suffer through Our default, or
by our absence: We being so farre from repenting the Acts of Our Justice,
and Grace, which We have already performed to Our People, that Wee shall
with the same Alacrity, be still ready to adde such new ones, as may best ad-
vance the Peace, Honour, and Prosperity of this Nation.

A Letter sent from both Houses of Parliament, to all the High-Sheriffs of this Kingdome, concerning the late Propositions for *Ireland*.

Master Sheriff,

THe Lords and Commons being deeply sensible of the unspeakable calami-
ties which his Majesties good Subjects of the Kingdome of *Ireland* doe
now suffer by the barbarous cruelties and massacres of the Rebels there, and
conceiving these printed Propositions herewith sent (being ratified by his
Majesties

Majesties Royall assent, and the unanimous approbation of both Houses of Parliament) doe undoubtedly tend to the speedy and effectuall reducing of those bloody Rebels, the propagating of the Protestant Religion, the augmenting of the greatnesse and the Revenue of the Crowne of *England*, and the establishing of an happy and firme peace for the future in his Majesties three Kingdoms; and all this to be effected (by Gods gracious assistance) without the generall charge of the Subject, and to the great advantage of those that shall under-write; have thought fit to require you to publish these printed Propositions and Instructions at this Lent Assizes, to the intent that all his Majesties good people within your Countie, may take notice of the benefit they may receive by under-writing in due time; And that so many of them then present and willing to subscribe, may give up a Note of their Names, Sums, and dates of their Subscriptions to you, to be entred in the Paper-book mentioned in the printed Instructions, which is forthwith to be sent unto you. And you are further directed hereby, at this Lent Assizes (if they be not past) by the advice and assistance of the Justices of Peace for your County, then present, to appoint certaine dayes and places most convenient for this service; when and where your selfe, and the Justices of Peace within each division, will be present, to receive the Names, Sums, and times of Subscription of such of his Majesties well-affected Subjects within your Countie as shall not have subscribed at this Lent Assizes, their Names, Sums, and times of Subscription, to be likewise entred in the Paper-booke. And if this Letter come to your hands after the Assizes, then to appoint such times and places as may best speed this service. And further, your selfe, and the Justices of Peace, the Ministers of Gods Word, and persons of qualitie within your County, are hereby earnestly desired to shew themselves active and exemplary in advancing this great and pious work; 'Tis a service tending so much to the glory of God, the honour and profit of his Majestie, and the peace and tranquillitie of his three Kingdomes for the future. And you are likewise to informe those that shall under-write, that the Act of Parliament (which his Majestie hath promised to passe for the settling of those two Millions and halfe of Acres) is already in hand, and that the Lands are to be divided so indifferently by Lot amongst them that under-write, that no one man, whatsoever, shall have more respect or advantage than other, in division. And lastly, You are to give a speedie account to the Parliament of your proceedings herein, and of those that doe really advance this service. Thus not doubting of your utmost care and diligence herein, we bid you heartily farewell.

Several

Severall Votes Resolved upon by both Houses of Parliament, concerning the securing of the Kingdom of England and Dominion of Wales.

Resolved upon the Question by the Lords in Parliament, nemine contradicente.

THat the Ordinance of the Lords and Commons in Parliament, for the safety and defence of the Kingdom of England, and Dominion of Wales, is not any way against the Oath of Allegiance.

Resolved, &c. That the severall Commissions, granted under the Great Seal, to the Lieutenants of the severall Counties, are illegall and void.

Resolved, &c. That whosoever shall execute any Power over the Militia of this Kingdom, and Dominion of Wales by colour of any Commission of Lieutenancy, without consent of both Houses of Parliament, shall be accounted a disturber of the Peace of the Kingdom.

Die Martis, 15 Martii. 1641.

R*esolved, &c.* That the Kingdom hath bin of late, and still is in so evident and imminent danger, both from enemies abroad, and a Popish and discontented party at home; That there is an urgent and inevitable necessity of putting his Majesties Subjects into a posture of defence, for the safeguard both of his Majestie, and his People.

That the Lords and Commons fully apprehending this danger, and being sensible of their own duty; to provide a sutable prevention, Have in severall Petitions addressed themselves to his Majestie, for the ordering and disposing of the Militia of the Kingdom, in such a way, as was agreed upon by the wisdom of both Houses, to be most effectuell and proper for the present Exigents of the Kingdom; yet could not obtain it, but his Majestie did severall times refuse to give his Royall assent thereunto.

Ordered, That the House of Peers, agrees with the House of Commons in this Proposition.

Resolved, &c. That in this case of extream danger, and of his Majesties refusal, the Ordinance agreed on by both Houses for the Militia, doth oblige the people, and ought to be obeyed by the Fundamentall Laws of this Kingdom.

Resolved, &c. That these shall be the Heads of a Declaration.

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Resolved, &c. That such persons as shall be nominated Deputy Lieutenants, and approved of by both Houses, shall receive the commands of both Houses, to take upon them to execute their Offices.

Ordered by the Lords and Commons in Parliament, That these severall Votes shall be forthwith Printed and Published.

John Brown. Cler. Parliament.

HUNTINGTON 15 Martii, 1641.

His Majesties Messaget to both Houses of Parliament, upon
His removall to the City of *YORK*.

HIS Majesty being now in His Remove to His City of *York*, where Hee intends to make His Residence for some time, thinks fit to send this Messaget to both Houses of Parliament.

That He doth very earnestly desire, that they will use all possible industry in expediting the businesse of *Ireland*, in which they shall finde so cheerfull a concurrence by His Majesty, that no inconvenience shall happen to that Service by His absence, He having all that Passion for the reducing of that Kingdome, which He hath expressed in His former Messages, and, being unable by words to manifest more affection to it, then He hath endeavoured to do by those Messages (having likewise done all such Acts as he hath bin moved unto by his Parliament) Therefore if the Misfortunes and Calamities of His poore Protestant Subjects there shall grow upon them (though his Majesty shall be deeply concerned in, and sensible of their sufferings) Hee shall wash His hands before all the World, from the least imputation of slacknesse in that most necessary and pious work.

And that His Majesty may leave no way unattempted, which may beget a good understanding between Him and His Parliament, Hee thinks it necessary to Declare, That as he hath bin so tender of the Priviledges of Parliament, that He hath bin ready and forward to retract any Act of His own, which He hath bin informed hath Trencht upon their Priviledges, so Hee expects an equall tendernesse in them of His Majesties knowne and unquestionable Priviledges (which are the Priviledges of the Kingdom) amongst which, He is assured it is a fundamentall One, That His Subjects cannot be Obligated to Obey any Act,

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Order, or Injunction to which His Majesty hath not given His consent : And therefore Hee thinks it necessary to publish, That Hee expects, and hereby requires Obedience from all His loving Subjects, to the Laws established, and that they presume not upon any pretence of Order, or Ordinance (to which His Majestie is no Party) concerning the *Militia*, or any other thing, to doe or execute what is not warranted by those Laws, His Majestie being resolved to keepe the Lawes himselfe, and to require obedience to them from all His Subjects.

And his Majestie once more recommends to His Parliament the substance of His Message of the twentieth of *January* last, that they compose and digest, with all speed, such Acts, as they shall think fit, for the present and future establishment of their Priviledges; The free and quiet enjoying their Estates and Fortunes; The Liberties of their Persons; The security of the true Religion now professed in the Church of *England*; The mayntaining His Majesties Regall and just Authority, and setting His Revenue; His Majestie being most desirous to take all fitting and just ways, which may beget a happy understanding between Him and His Parliament, in which Hee conceives His greatest power and riches doth consist.

**The Votes of both Houses of Parliament, concerning the
Kings last Message, sent from *Huntington*, to both
Houses, on Wednesday the sixteenth
of *March* 1641.**

R *Resolved, &c.* That this House shall insist upon their former Votes concerning the *Militia*.

Resolved, &c. That the Kings absence so far remote from his Parliament is not onely an obstruction, but may be a destruction to the affaires of *Ireland*.

Resolved, &c. That when the Lords and Commons in Parliament which is the supream Court of Judicature in the Kingdom, shall declare what the Laws of the Land is, to have this not onely questioned and controverted, but contradicted, and a command that it should not be obeyed, is a high breach of the priviledge of Parliament.

Resolved, &c. That a Committee shall be appointed by this House to joyne with a Committee of the Lords, to inquire where this Message was framed.

Re-

Resolved, &c. That those persons that advise his Majesty to absent himselfe from the Parliament are enemies to the peace of this Kingdome, and justly to be suspected to be favourers of the Rebellion in *Ireland*.

Resolved, &c. That those that advised his Majestie to this Message are enemies to the peace of this Kingdom, and justly to be suspected to be favourers of the Rebellion in *Ireland*.

A new Declaration of both Houses of Parliament sent to
the Kings most excellent Majesty, the sixteenth of
March, upon his Removall from *Hun-*
tington to Yorke.

May it please your Majestie,

YOUR Majesties most humble and faithfull Subjects, the Knights, Citizens, and Burgeesses of the Commons House of Parliament, having considered your Majesties Reply to their Answer, touching such persons as have bin licensed by your Majesty to passe into *Ireland*, doe most humbly beseech your Majesty to believe, that they shall always with thankfulness and joy receive from your Majestie any satisfactory Answer to their just requests: And, as they hope, they shall find in your Majesty a readinesse to rectifie those things, which have bin done to their prejudice, so will they be carefull to remove all apprehensions of their Actions or Speeches, which may seem to cast any dishonour upon your Majesty.

For your Majesties better satisfaction concerning the positive affirmation, that many of the chief Commanders now in the head of the Rebels (after the Ports were stopped by order of both Houses) have bin suffered to passe by your Majesties immediate Warrant. May it please your Majesty to consider that herein they have affirmed nothing but what they had cause to believe was true, the grounds whereof they humbly present to your Majestie.

The first ground is this, that both Houses of Parliament, (having upon your Majesties commendation taken into their care the suppression of the Rebellion of *Ireland*) had reason to be especially watchfull over the Ports, because the Rebels abounding in numbers of men for the most part ignorant of the use of their Armes could by no means become dangerous or formidable to this Kingdome, but by the accessse of Souldiers and Commanders, wherewith they were like to be furnished either out of *France* or *Flanders*, from both which places the

passage into *Ireland* is speedy and easie through this Kingdome, and thereof they could not choose but be very sensible of whatsoever gave liberty or opportunitie to such a passage, as of a very hurtfull and dangerous grievance. for prevention whereof they did upon the seventh of *November* agree upon an Order, and restrain all passage into *Ireland*, but upon due and strict examination by such persons as were trusted to make those Licences.

A second ground, that the other Licence granted to the Lord *Delvin*, and then acknowledged by your Majesties Answer, were such (both in regard of the persons to whom they were granted, and the extent of the words in which they were granted,) as were apt to produce such an effect as is mentioned in that positive Affirmation, that is, to open a way for the passage of Papists and other dangerous persons to joyn with the Rebels, and to be Heads and Commanders amongst them, which is thus proved.

The Warrant granted to Colonell *Butler*, since the order of restraint by both Houses of Parliament) did extend to all Ports of *England* and *Scotland*) and did give free passage to himself and to his Company, without any qualification of persons, or Limitation of Number, and this Colonell was himselfe a Papist, had a Brother in Rebellion, and Generall of the Rebels in *Munster*, was expected, and very much desired by those Rebels, who for a long time kept a Regiment to be commanded by him, as we have bin credibly informed.

The second was granted to a Son of the Lord *Nettersfield*, which Lord had four sons in *England* since the Rebellion, one of which is settled in *England*, three others intended to passe into *Ireland*, and were all dangerous persons being Papists, bred in the Wars, in the service of the King of *Spain*, and one of them lately become a Jesuit.

The third to the Lord *Delvin*, extends to himselfe, and foure persons more unnamed, that one of those who should have past with him is taken to be a Jesuit, and another who calls himself *Ploncker*, seems to be a man of some breeding and quality, and like to have bin serviceable to the Rebels, and to have done mischief, if he had gone over.

The fourth to Sir *George Hamilton*, and three more unnamed; This Gentleman is likewise a profess Papist; and may be doubted to be of the party of the Rebels, one of that Name being mentioned in the instructions of *Sempill* the Jesuit, amongst divers other dangerous persons of the Popish party in *Scotland* and *Ireland*, which instructions were found in a ship stayed in *Cornwall*, which was going into *Ireland* with divers Jesuits, Souldiers, and others for the encouragement of the Rebels.

A third ground is this, That by vertue and authority of these Licences, severall persons have passed over, which are now in Actuell Rebellion, and joyned

joyned with the Rebels, and some have command amongst them which is thus proved.

One Captaine *Smton*, did by vertue and authority of your Majesties Licence imbarque at *Whitehaven*, in the Company of Colonell *Butler*, and was driven backe by foule weather; Whereupon the Colonell stayed, and went to *Chester*, but that Captaine re-imbarqued himselfe in the same Bottom, and passed into *Ireland*, where he went into Rebellion with the Lord *Dunsany*, and hath since obtained the place of a Colonel amongst the Rebels, as wee are very credibly informed.

Two of the Sonnes of the Lord *Nettersfield*, one a Jesuite, and the other a Souldier, passed into *Ireland* in *December* last, both of them by vertue of your Majesties Warrant, as wee have cause to believe, for that they went both together in one Ship, and the Licence acknowledged to be granted by your Warrant must needs be granted to one of them, seeing the other Brother, who lately endeavoured to passe over, did produce no Licence, and upon his Examination doth absolutely deny that he had any.

A fourth ground (which we humbly offer to your Majesty) is this, That your Majesty cannot be assured that no other did passe upon your Licence, as your Majestie doth conceive and are pleased to expresse in your Answer, and that wee had great cause to believe that divers other had passed over by your Warrant, besides the persons afore-mentioned, and that for these reasons;

1 Because we received such a generall information, that divers now in the head of the Rebels were passed by your Majesties Licence, which being true in part, and easie to be effected, in regard of the Nature and extent of the Warrants, and probable to be attempted, in regard of the subtilty and vigilancy of that party, to make use of all advantages, seemed to deserve credit, which wee should not have given to it, if it had been a naked information without such circumstances.

2 Because we had concurring Advertisements from *Ireland* and *Chester*, that divers Priests, Jesuits, and popish Commanders had passed over, and were landed there, and particularly some of Colonell *Butlers* Company, and that the Officers of the Ports had kept no Entry of the names of these persons or of the Warrants by which they were transported.

These we hope will be sufficient to perswade your Majestie to believe, that as we had some cause to give credit to the said Informations, so wee had no intention to make any ill use of them to your Majesties dishonour, but did impute the blame to your Ministers, who might have bin more carefull to have informed your Majestie of the Quality of those persons named in your Licences, and so to have limited them, that they might not have extended to others, as they did, how many and dangerous soever.

And

And they pray your Majestie to rest assured, that they shall always be tender of your Honour and reputation with your good Subjects, and for this cause have made this true Declaration of the full state of this matter, that they may think no otherwise of it then the truth, and in all things shall labour to establish a good understanding and confidence, betwixt your Majestie, and your people, which they heartily desire, and pray for, as the chiefeft means of preserving the honour, safety, & prosperitie of your Maiestie, and your Kingdom.

**His Majesties Answer to a Message sent to Him by the
House of Commons, concerning Licences granted by Him to persons to goe
into Ireland.**

His Majestie hath scene and considered the Message presented to Him by the Lord *Compton* and Master *Baymon*, the nineteenth of *March* 1641, at *York*, Touching such persons as have bin Licensed by His Majestie to passe into *Ireland*.

Though He will not insist upon what little Reason they had to suspect that some ill-affected persons had passed into *Ireland*, under colour of His Majesties Licence (Inferences slender Proofs to ground belief upon) yet Hee must needs avow, That for any thing that is yet declared, He cannot see any ground why *M. Pym* should so boldly affirme before both Houses of Parliament, *That since the stop upon the Ports by both Houses against all Irish Papists, many of the Commanders now in the head of the Rebels, have bin suffered to passe by his Majesties immediate Warrant*; For as yet there is not any particular person named that is now so much as in Rebellion (much lesse in the head of the Rebels) to whom His Majesty hath given Licence.

And therefore according to His Majesties Reply upon that Subject, His Majesty expects, That His House of Commons publish such a Declaration, whereby this mistaking may be cleared, That so all the World may see His Majesties Caution in giving of Passes; and likewise, That His Ministers have not abused His Majesties Trust, by any surreptitious Warrants.

And lastly, His Majestie expects, That hence-forth there be more Warinesse used, before such publike Aspersions be laid, unlesse the Grounds be beforehand better warranted by sufficient Proofs.

By

(119)
By the King.

A Proclamation for putting the Laws against Popish Recusants in due execution.

The Kings most Excellent Maiestie, having been formerly moved by His Parliament, for putting the Laws in execution against Papists, whereto He hath from time to time still given His gracious Answers, expressing His willingnesse therunto: But now finding, that no such proceedings against them have been yet had as might answer His Maiesties expectation: His Maiestie therefore, out of His Princely and pious care, as well for maintaining the true Protestant Religion established in this Kingdom as for suppressing by lawfull waies, all increase and growth of Popery; hath thought fit to publish His Royall Pleasure therein: Wherefore His Maiestie doth hereby straitly charge and command all and every His Judges and Justices of Assize, Sheriffs, Justices of Peace and other His Officers and Ministers whithsoever, whom it doth any way concern, That they, and every of them, according to the duties of their severall Offices and places, do forthwith, and without further delay, put in due and effectuall execution the Laws and Statutes of this Realm provided and made against Popish Recusants, and that without favour or connivence; As they tender His Maiesties lust and Royall Commands, the good of this Church and Kingdom, and will answer for neglect of their duties herein.

Given at His Majesties Court at Stanford the sixteenth day of March, in the seventeenth yeer of His Reign.

God save the King.

Die Mercurii 16. Martii. 1641.

LORDS HOUSE.

VV Hereas the Lords in the upper House of Parliament, doe find that there are many Petitions concerning private persons depending now before their Lordships, and conceive that many more may bee brought into that House, if timely advertisement be not given to the contrary, which may occasion the Repaire and Attendance of divers of His Majesties loving Subjects upon their Lordships; who cannot give a dispatch to private businesses, by reason of the many publicke and great Affaires that now lie before them,

them, concerning the Safetie and Weale of His Majesties Kingdomes.

It is therefore thought fit, and so Ordered by the Lords in Parliament, That all private busineses shall be hereby deferred and put off, untill the first day of the next Terme, being the 27 of Aprill next: Whereof this House doth hereby give notice to all his Majesties loving people, to prevent the charge and trouble, which otherwise the Petitioners might be put unto in repairing unto this house at this time.

Jo. Browne Cler. Parliament.

By the King.

A Proclamation concerning the true payment of Tonnage and Poundage.

WHereas in and by the last Act of this present PARLIAMENT concerning Tonnage and Poundage, (intituled, A Subsidie granted to the King of Tonnage, Poundage, and other sums of Money payable upon Merchandize Exported and Imported) it is provided, That no penaltie or forfeiture contained in the said last Act, or in an Act made in the first year of the Reign of His Majesties late Royall Father King JAMES, (intituled, A Subsidie granted to the King of Tonnage, Poundage, Woolls, &c) do or shall ensue to any person, or persons, unlesse they refuse to compound for any Merchandize or Goods Imported or Exported after notice given of the said last Act, penaltie, and forfeiture, by Proclamation, where the said Goods are, or ought to be entered.

His most Excellent Majestie, lest any His loving Subjects or others (under pretence of ignorance) should forbear to pay the said Tonnage, Poundage, and other sums of money payable upon Merchandize or Goods either Exported or Imported, contrary to the tenour of the said last Act and for the more speedie publishing thereof. Hath thought fit (by advice of His Parliament) hereby to declare His Royall Will and pleasure to be, That all His loving Subjects, and others whom it shall or may concern, do take notice of the said last Act: And that they, and every of them, doe accordingly pay the said Tonnage, Poundage, and other summes of money, thereby laid or imposed upon Merchandizes, or Goods, either Imported, or Exported, under the Pains and Penalties in the said last Act, and in the said Act made in the first year of the reign of His Majesties said late Father, or either of them provided, and expressed; And to be further punished according

ving to the Law, for their Contempt of His Majesties Royall Commandment herein.

And therefore His Majestie doth hereby straightly charge and command, as well all and every His Customers, Comptrollers, Collectors, Searchers, Waiters, and others the Officers and Ministers, in all and every His Majesties Ports and Havens, and the Members thereof within His Kingdom of England, and Dominion of Wales, as all Justices of Peace, Mayors, Sheriffs, Bailiffs, Constables, Headboroughs, and other His Majesties Officers, and Ministers, to whom it shall or may appertain, that they and every of them, in their severall Offices and Places respectively, do take care that all, and every the Premises be fully executed and performed, according to His Majesties Royall Will and Pleasure herein declared, as they will answer the contrary at their uttermost perils.

Given at Our Court at York the four and twentieth day of March, in the seventeenth yeer of Our Reign.

God save the King.

Die Iovis 24. Martii. 1641.

VV Hereas the Bill of Tonnage and Poundage is this day expired, and a new Bill past both Houses for the continuance of those payments, untill the third day of *May*, which cannot as yet receive the Royall assent, in regard of the remotenesse of His Majesties Person from the Parliament. Which moneys to be collected by that Bill, are to be imployed for the necessarie guarding of the Seas, and defence of the Common-wealth: It is therefore ordered by the Commons now assembled in Parliament, that the severall Officers belonging to the Custome-house, both in the Port in *London*, and the out Ports, doe not permit any Merchant or other, to lade or unlade any Goods or Merchandizes, before such persons doe first make due entries thereof in the Custome-house: And it is also declared by the said Commons, That such Officers upon the respective entry made by any Merchant, as afore-said, shall intimate to such Merchant, That it is the advise of the Commons for the better ease of the said Merchants; And in regard the respective duties will relate and become due, as from this day; That the said Merchants upon entry of their Goods, as usually they did, when a law was in force to that purpose, would deposite so much money as the severall Customes will amount unto, in the hands of such Officers, to be by them accompted to his Majestie, as the respective Customes due by the said Bill, when the said Bill shall have the Royall assent;

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Or otherwise His Majestie refusing the passing thereof, the said moneys to bee restored upon demand unto the severall Merchants respectively.

Ordered that the Collectors of the Customes doe forthwith disperse Copies of these Orders in all the out Ports.

H. Eliynge, Cler. Parliam. D. Com.

An Order from the House of Commons unto the Sheriffs of each County respectively, for their true Collection of the Foure Subsidies, and the other Two Subsidies to be payd accordingly.

Die Vener 25. Martii, 1642.

It is this day Ordered upon the Question by the House of Commons.

THat the Knights and Burgeses of every County, be enjoyned to write unto the Sheriffs of their respective Counties, That they warne all Collectors of the foure Subsidies, who have not yet perfected their Accompts that they come perfect their accompts by the beginning of the next Terme. And that all other Collectors of the two last Subsidies make their Accompts also, by the latter end of the next Terme; As they will Answer their neglect therein to this House.

It is this day Ordered by the Commons now assembled in Parliament that this Order be forthwith published in Print.

H. Elsing Cler. Parl. D. Com.

**To the Kings most Excellent MAJESTIE,
The humble Petition of the Lords and Commons assembled in Parliament.**

May it please your Majesty,

YOUR Majesties most loyall Subjects, the Lords and Commons in Parliament, cannot conceive that the Declaration which Your Majestie received from us at *New-Market*, was such as did deserve that Censure Your Majestie was Pleased to lay upon us, in that Speech which your Majestie made to our Committees there, and sent in writing to both Houses; Our addresse therein

therein being accompanied with Plainnesse, humility & faithfulness we thought more proper for the removing the distraction of the Kingdome, then if wee had then proceeded according to your Majesties Message of the 20 of *January*, by which Your Majestie was pleased to desire, That we would declare what we intended to do for Your Majestie, and what we expected to be done for our selves, in both which we have bin very much hindred by your Majesties deniall to secure us and the whole Kingdome, by disposing the *Militia* as we had divers times most humbly Petitioned, and yet we have not bin altogether negligent of either, having lately made good proceedings in preparing a Booke of Rates to be passed in a Bill of Tonnage & Poundage; and likewise the most materiaall Heads of those humble desires which we intended to make to Your Majestie for the good and contentment of your Majestie and your People, but none of these could be perfected before the Kingdome be put into safetie, by settling the *Militia*: And until Your Majestie shall be pleased to concurre with Your Parliament in these necessary things, we hold it impossible for you to give the world, or Your People such satisfaction concerning the Feares and Jealousies which we have expressed, as we hope Your Majestie hath already received touching that exception which You were pleased to take to Master *Pym's* Speech.

As for your majesties Feares and doubts, the ground whereof is from Seditious Pamphlets and Sermons, We shall be as carefull to endeavour the removall as soon as we shall understand what Pamphlets and Sermons are by Your Majestie intended, as we have been to prevent all dangerous Tumults: And if any extraordinary concourse of people out of the Citie of *Westminster* had the face and shew of Tumult and danger in Your Majesties apprehension, it will appeare to be caused by Your Majesties deniall of such a guard to your Parliament as they might have cause to confide in; And by taking into *White-Hall* such a guard for Your selfe, as gave just cause of Jealousie to the Parliament, and of terrour and offence to Your People. We seek nothing but your Majesties Honour, and the peace and prosperitie of Your Kingdome; And we are heartily sorry we have such plentifull matter of an Answer to that question, *Whether You had violated our Laws.*

We beseech Your Majestie to remember, that the Government of this Kingdome, as it was in a great part managed by Your Ministers before the beginning of this Parliament, consisted of many continued and multiplyed acts of violation of *Laws*, the wounds whereof were scarcely healed, when the extremitie of all those violations was farre exceeded by the late strange and unheard of breach of our Lawes in the accusation of the Lord *Kymbolton*, and the five Members of the Commons-House, and in the proceedings thereupon, for which we have yet received no full satisfaction.

To Your Majesties next question, *Whether You had denied any Bill for the ease*

and security of Your Subjects. We wish we could stop in the midst of our answer, That with much thankfulness we acknowledge that Your Majestie hath past many good Bills full of contentment, and advantage to Your People ; But truth and necessitie inforceth us to adde this. That even in or about the time of passing those Bills. some designe or other hath been on foot, which if it had taken effect, would not only have deprived us of the fruit of those Bills. but have reduced us to a worse condition of confusion then that wherein the Parliament found us.

And if your Majestie had asked us the third question intimated in that Speech, *What wee had done for Your Selfe*, our Answer would have been much more easie. That we have paid two Armies, wherewith the Kingdome was burdened last yeeres ; And have undergone the charge of the War in *Ireland* at this time ; When through many other excessive Charges and Pressures, whereby Your Subjects have been exhausted, and the Stock of the Kingdome very much diminished : Which great mischiefs, and the charges thereupon ensuing, have been occasioned by the evill counsels so powerfull with Your Majestie, which have, and will cost this Kingdome more then two Millions : All which in Justice ought to have been borne by Your Majestie.

As for that free and generall Pardon Your Majestie hath been pleased to offer, it can be no security to our Feares and Jealousies, for which Your Majestie seems to propound it, because they arise not from any guilt of our owne Actions, but from the evill Designs and Attempts of others.

To this our humble Answer to that Speech, we desire to adde an Information which we lately received from the deputie Governour of the Merchant Adventurers at *Rotterdam* in *Holland*. That an unknowne person appertaining to the Lord *Digby* did lately sollicite one *James Henley* a Mariner to go to *Elfenore*, and to take charge of a Ship in the Fleet of the King of *Denmark* there prepared, which he should conduct to *Hull* : In which Fleet likewise, he said a great Army was to be transported. And although we are not apt to give credit to Informations of this nature, yet we cannot altogether think it fit to be neglected, but that it may justly adde somewhat to the weight of our Feares and Jealousies, considering with what circumstances it is accompanied, with the Lord *Dighies* preceding Expressions in his letter to Her Majestie, and Sir *Lewis Dives*, And Your Majesties succeeding course of withdrawing Your Selfe Northward from Your Parliament, in a manner very sutable, and correspondent to that evill Counsell.

Which we doubt will make much deeper impression in the generalitie of Your People ; And therefore we most humbly advise and beseech Your Majestie for the procuring and setting the confidence of Your Parliament, and all Your Subjects, and for the other important reasons, concerning the recovery
of

of *Ireland*, and securing this Kingdome, which have been formerly presented to Your Majestie, You will be graciously pleased (with all convenient speed) to returne to these parts, and to close with the Counsell and desire of Your Parliament, where You shall find their dutifull affections, and endeavours ready to attend Your Majestie with such entertainment, as shall not onely give Your Majesty just cause of securitie in their faithfulnessse, but other manifold evidences of their earnest intentions and endeavours to advance Your Majesties Service, Honour, and contentment, and to establish it upon the sure foundation of the Peace and Prosperitie of all Your Kingdomes.

His Majesties Answer to the Petition of both Houses of
PARLIAMENT,
Presented to Him at *York* on Saturday the 26 of *March*, 1642.
by the Lord *Willoughby*, Lord *Dungarvan*,
and Sir *Anthony Iby*.

IF you would have had the patience to have expected Our Answer to your last Declaration (which, considering the nature of it, hath not been long in coming) We beleeve you would have saved your selves the labour of saying much of this Message. And We could wish that Our Priviledges on all parts were so Stated, that this way of Correspondencie might be preserved with that Freedome which hath been used of old: For We must tell you, that if you may aske any thing of Us by Message or Petition, and in what language (how un-usuall soever) you thinke fit, and We must neither deny the thing you aske, nor give a reason why We cannot grant it, without being taxed of breaking your Priviledges, or being counselled by those who are enemies to the Peace of the Kingdome, and favourers of the Irish Rebellion (for We have seene your Printed Votes, upon Our Message from *Huntington*) you will reduce all Our Answers hereafter into a very little room; In plain English, It is to take away the Freedome of Our Vote, which were We but a Subject, were High Injustice; but being your King, We leave all the world to judge what it is.

Is this the way to compose all misunderstandings? We thought We shewed you one by Our Message of the 20. of *January*, if you have a better or readier, We shall willingly hearken to it, for hitherto you have shewed Us none. But why the refusall to consent to your Order, (which you call a deniall of the *Militia*) should be any interruption to it, We cannot understand. For the *Militia* (which We alwayes thought necessary to be settled) We never denied the thing

thing (as We told you in Our Answer of the 28. of *January*, to the Petition of the House of Commons, for We accepted the persons, (except for Corporations) We onely denied the way. You aske it by way of Ordinance, and with such a preface as We can neither with Justice to Our Honour, or innocency consent to : You exclude Us for any Power in the disposition or execution of it, together with you, and for a time utterly unlimited. We tell you We would have the thing done ; Allow the persons (with that exception ;) Desire a Bill (the onely good old way of imposing on Our Subjects.) Wee are extremely unsatisfied what an Ordinance is, but well satisfied, that without Our Consent it is nothing, not binding : And it is evident by the long time spent in this Argument, the necessitie and danger was not so imminent, but a Bill might have well been prepared, which if it shall yet be done with that due regard to Us, and care of Our People, in the limitation of the power and other circumstances, We shall recede from nothing We formerly expressed in that Answer to your Order, otherwise We must declare to all the world, That We are not satisfied with, or shall ever allow Our Subjects to be bound by your printed Votes, of the fifteenth or sixteenth of this moneth, or that under pretence of declaring what the Law of the Land is, you shall without Us make a new Law, which is plainly the case of the *Militia* : And what is this but to introduce an Arbitrary way of Government ?

Concerning *Pym's* Speech, you will have found by what the Lord *Compton*, and Master *Baynton* brought from Us, in answer to that Message they brought to Us, that as yet We rest nothing satisfied in that particular.

As for the seditious Pamphlets and Sermons, We are both sorry and ashamed in so great a variety, and in which Our Rights, Honour and Authority, are so insolently slighted and vilified, and in which the Dignitie and Freedome of Parliament is so much invaded and violated, it should be asked of Us to name any ; the mentioning of the *Protestation protested*, the *Apprentices Protestation*, *To your Tents, O Israel*, or any other, would be too great an excuse for the rest. If you thinke them not worth your inquirie, We have done. But We thinke it most strange to be told, That Our deniall of a Guard (which We yet never denied, but granted in another manner, and under a Command at that time most accustomed in the Kingdome) or the deniall of any thing else (which is in Our power legally to deny) which in Our understanding (of which God hath surely given Us some use) is not fit to be granted, should be any excuse for so dangerous concourse of people, which not onely in our apprehension, but (We beleieve) in the interpretation of Law it selfe, hath been alwayes held most tumultuous and seditious. And We must wonder, what, and whence comes the Instructions and Informations that those people have, who can so easily thinke themselves obliged by the Protestation to assemble in such a manner

manner, for the defence of Priviledges, which cannot be so clearly knowne to any of them, and so negligently passe over the consideration, and defence of Our Rights so beneficiall and necessary for themselves, and scarce unknowne to any of them, which by their Oathes of Allegiance and Supremacy (and even by the same Protestation) they are at least equally obliged to defend. And what interruptions such kind of Assemblies may be to the freedome of future Parliaments (if not seasonably discountenanced and suppressed) We must advise you to consider, as likewise whether both Our powers may not by such meanes be usurped, by hands not trusted by the Constitution of this Kingdome. For Our Guard, Wee referre you to Our answer to your Declaration.

By that Question of Violating your Lawes; by which We endeavoured to expresse Our care and resolution to observe them; Wee did not expect you would have been invited to have looked back so many yeeres, for which you have had so ample Reparation; Neither looked We to be reproached with the Actions of Our Ministers (then against the Lawes) whilst We expresse so great a zeale for the present defence of them, it being Our Resolution, upon observation of the mischief which then grew by Arbitrary power (though made plausible to Us by the suggestions of necessitie and imminent danger, and take you heed ye fall not into the same errour upon the same suggestions) hereafter to keep the Rule Our selfe, and to Our power require the same from all others: But above all, We must be most sensible of what you cast upon Us for requitall of those good Bills you cannot denie. We have denied any such Designe, and as God Almighty must judge in that point between Us, who knowes Our upright intentions at the passing those Lawes: So in the meane time We desie the Divell to prove that there was any Designe (with Our knowledge or Privitie) in or about the time of passing those Bills, that had it taken effect could have deprived Our subjects of the fruit of them: And therefore We demand full Reparation in this point, that We may be cleared in the sight of all the world, and chiefly in the eyes of our loving Subjects, from so notorious and false an imputation as this is.

We are farre from denying what you have done. For We acknowledge the charge Our people have sustained in keeping the two Armies, and in relieving *Ireland*, of the which We are so sensible, that in regard of those great Burthen: Our People have undergone, We have and doe patiently suffer those extreme personall wants, as Our Predecessours have been seldome put to, rather then We would presse upon them: which We hope (in time) will be considered on your parts.

In Our offer of a Generall Pardon, Our intent was to compose and secure the generall condition of Our Subjects, conceiving that in these times of great
Distracti-

Distractions, the good Lawes of the Land have not been enough observed; But it is a strange world when Princes profered Favours are counted Reproaches: yet if you like not this Our offer We have done.

Concerning any discouries of Forreigne Forces, though We have given you a full Answer in Ours to your last Declaration, yet We must tell you, We have neither so ill an opinion of Our own merit, or the Affections of Our good Subjects, as to think Our Selfe in need of any Forreigne Force to preserve Us from Oppression (and We shall not need for any other purpose) but are confident (through Gods providence) not to want the good wishes and assistance of the whole Kingdome, being resolved to build upon that sure Foundation, the Law of the Land. And We take it very ill that any generall Discouries between an unknown Person and a Mariner, or inferences upon Letters should be able to prevaile in matters so improbable in themselves, and scandalous to Us, for which We cannot but likewise aske Reparation, not onely for the vindicating of Our own Honour, but also thereby to settle the mindes of Our Subjects, whose Feares and Jealousies would soon vanish, were they not fed and maintained by such false and malicious Rumours as these.

For our returne to Our Parliament, We have given you a full Answer in Ours to your Declaration, and you ought to looke on Us as not gone but driven (We say not by you, yet) from you. And if it be not so easie for you to make Our Residence in *London* so safe as We could desire, We are and will be contented that our Parliament be adjourned to such a place, where We may be fitly and safely with you. For though we are not pleased to be at this distance, yet yee are not to expect Our Presence, Untill ye shall both secure Us concerning Our just apprehensions of Tumultuary insolencies. And likewise give Us satisfaction for those Insupportable and Insolent Scandals that are raised upon Us.

To conclude, As We have or shall not Refuse any way agreeable to Justice or Honour, which shall be offered to Us for the begetting a right understanding between Us. So VVe are Resolved, that no 'treights or necessities (to which VVe may be driven) shall ever compell Us to doe that, which the Reason and Understanding that God hath given Us, and Our Honour and Interest, with which God hath trusted Us for the good of Our Posterity and Kingdomes, shall render unpleasant and grievous unto Us.

And We assure you that (how meanly soever you are pleased to value the discharge of Our publicke dutie) Wee are so Conscious to Our selfe of having done Our part, since this Parliament, that in whatsoever condition VVe now stand, VVe are confident of the continued Protection from Almighty God, and the constant gratitude, obedience, and affection from Our People: And VVe shall trust God with all.

FINIS.

A

A Message from both Houses of Parliament, sent to the
Kings most excellent Majesty at York, the 28 of
March, 1642.

May it please your Majestie,

THe Lords and Commons in this present Parliament assembled, having found it necessary to provide and set to Sea a strong and powerfull Navy, for the defence of this Kingdom against forreigne Force, and for the security of Your other Dominions, the charge whereof is to be borne by the Common-wealth: And taking notice of the indisposition of the Lord Admirall, which disables him at this time for commanding the Fleet in his own person, did thereupon recommend unto his Lordship the Earle of *Warwick* (a person of such Quality and Ability as in whom they might best confide) to supply his Lordships room for this Employment. And understanding that Your Majesty hath since signified Your pleasure concerning that command, for Sir *John Pennington*; We do hold it our duty, to represent unto Your Majesty, the great danger and mischief the Common-wealth is like to sustaine by such interruption. And therefore doe humbly beseech Your Majesty that the Noble person recommended by both Houses of Parliament for this service, may no longer be detained from it, out of any particular respect to any other person whatsoever.

To our right trusty and well beloved Counsellour,
Edward Lord Littleton, Keeper of our great
Seale of ENGLAND.

Right trusty & well beloved Counsellour, we greet you well, we wonder both at the form & matter of that inclosed paper, ye sent us (in the name of both Houses of Parliament; in yours of the 28 of *March*) it being neither by way of Petition declaration, or letter; and for the matter, we believe it is the first time that the Houses of Parliament have taken upon them the nomination, or recommendation of the chiefe Sea-commander, but it adds to the wonder, that Sir *John Pennington* being already appointed by us for that service, upon the Recommendation of our Admirall (which is so well known, that none can be ignorant of it) and no fault so much as alleaged against him, another should be recommended to us; Therefore our Resolution upon this point is, that

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we will not alter him, whom we have already appointed to command this yeeres Fleet, whose every way sufficient it is so universally knowne, the which we are confident our Admirall (if there shall be occasion) will make most evident, (against whose Testimony wee suppose our Parliament will not except) And though there were yet none appointed, or the said Sir *John* (through some accident) not able to performe the service, yet the men of that Profession are so well known to us (besides many other reasons) that (our Admirall excepted because of his place) recommendations of that kind would not be acceptable to us.

Given at our Court at York. the last of March, 1643.

To the Kings most Excellent Majesty.

The humble Petition of the Gentry, Ministers and Freeholders of the County of *York*, now assembled at the Assizes there holden.

Most humbly sheweth,

THat, although the piercing anguish of our souls proceeding from the general distractions of this Kingdom, be eased by the comfort of Your Majesties Royall Presence and gracious Confidence in the Affections of this County, which hath filled our hearts with hopes, and our tongues with joy, yet the fellow-feeling of the passionate sorrows, and heart-breaking apprehensions which overwhelmes the other parts of this afflicted Kingdome, doe inforce us (after the humble tender of our Lives and Fortunes, for the safety and assurance of Your Majesties Royall Person, Crown, Honour and Estate, just Prerogative and Sovereignty in any capacity wherein we may serve Your Majesty according to the Laws) to follow that Sacrifice of bounden duty, with our earnest Prayers and Petitions, which shall not cry in your Princely Eares for helpe to almost-ruined *Ireland*, nor implore your Majesties Concurrence for the propagation of the Protestant Religion, and suppression of Popery, since Your Majesties gracious Declaration of your Selfe, in those particulars, renders it an unpardonable crime to desire further Assurance, or addition to your Majesties own words, Sacred before God and Man; But emboldned by your Royall resolution declared, to take away, not onely the just Fears, but also the Jealousies of your loyall Subjects, and inforced by that infallible Oracle of Truth, That a Kingdome divided cannot stand; Wee, from the centre of every one of our hearts, most earnestly supplicate, That your Majesty (being most interested in
the

the flourishing State and Union of your Dominions, and by long experience in Government, best acquainted with prevention of Dangers, and remedy of Evils) will be graciously pleased to declare such fit Means and Expedients as may take away all Distances and Misunderstandings betwixt Your Majesty and your great Councell; to whom we will also addresse our selves for such endeavours on their parts, as may beget in your Majesty a confidence in their Counsels, and that blessed Union so necessary to this perplexed Kingdom, and most desired by us, and all your Majesties loving and faithfull Subjects.

And your Petitioners shall ever pray for your Majesties long and prosperous Reigne, &c.

5 Aprilis, 1642.

His Majesties Speech to the Sheriff, Gentry, Ministry, and Freeholders of the County of York, when they presented to Him their Petition.

Master Sheriffe, and Gentlemen,

I Believe you expect not a present and particular answer to your Petition, because it is new to me: Onely in generall I must tell you, That I see by it, that I am not deceived in the Confidence I have in the Affections of this County to my Person and State; and I assure you that I will not deceive your Confidence, which at this time you have declared in your Petition to have in me: And I am glad to see that it is not upon mistaken grounds, as other Petitions have bin to me since I came to this place; Concerning which, let mee observe unto you, That my Answers were to cleer those mistakings; for I never did go about to punish or discourage them from petitioning to me in an humble way, though the Subject did not agree with my sense; Albeit within the memory of man, people have bin discouraged, and threatned to be punished for Petitions.

I observe that your Petition is so modest, that it doth not mention any particular for your owne good; which indeed I expected, as knowing that in some particulars you have great reason to do; and therefore, that you may not fare the worfe for your modesty, I will put you in minde of three particulars, which I conceive to be for the good of this Country.

The first is concerning your trained Bands, to reduce them to a lesser number, for which, I confesse to stand engaged by promise to you, which I had performed long since, if I had bin put in mind of it: And now I tell you. Shew me but the way, and (when you shall thinke fit) I shall instantly reduce them to that number, which I promised you two yeers ago.

The second is, That which is owing to this County for Billet-money ; The truth is, That for the present I cannot repay it ; Onely I will say this, That if all the water had gone to the right Mill (upon my word) you had bin long agoe satisfied in this particular. And so I leave to your discretions which way you will advise, and assist mee to comply with the engagements to you in this point.

The third is, That for which I was petitioned as I came up the last yeer, both by the Lord Major and Aldermen of this City, and likewise by divers others of this County, as I went South-ward; And that is, concerning the Court of *York*. And first let me tell you, That as yet I know no legal dissolution of it, for hitherto formally there is nothing come to me, either directly or indirectly, for the taking of it away; therefore I may say, It is rather shaken in pieces, then dissolved. Now my desire is, in compliyance to what I answered the last yeer unto the severall Petitions delivered to me upon this subject, That you would consult and agree among your selves in what manner you would have the Court established most to your own contentments, and to the good of all these Northern parts, in such a legall way, as that it may not justly be excepted against, and I assure you, in the word of an honest Man, that you shall not blame me, if you have not full satisfaction in it.

Within a day or two yee shall have a particular Answer to your Petition, which shall be such an one as I am confident will give you good satisfaction, and put you into such a way, as, I hope may produce good effects to the good of all this Kingdom.

His Majesties Answer to the afore said Petition of the Gentry, Ministers, and Freeholders, of the County of *York*.

His Majestie, according to His Promise made to you at the delivery of this Petition, hath commanded me to subscribe this His Answer.

IN the first place, He is glad to see, That what you say concerning the relief of his distressed Subjects in *Ireland*, and the Propagation of the true Religion amongst us, against all Superstition of Popery, is onely to shew your confidence in his Princely Word; wherein hee again hath commanded me to assure you, That he will neither deceive your trust, nor wrong himself so much, as not to be very punctuall in performance of the Engagements he hath already made concerning those particulars, which besides the performance of his Word (which hee holds most deer unto him) his own inclinations naturally induce him unto.

Now

Now concerning the Prayer of your Petition, his Majesty doth graciously interpret, That your desiring him to declare such fit means and expedients as may take away all Distance and Misunderstandings betwixt his Majestie and his great Councell, is no otherwise then to have the more Authentique ground, and the better direction which way to carry your selves in your Addresses to the Parliament for that effect. And therefore his Majesty assures you, That not onely the best, but (as he conceives) the sole way for this good Understanding between his Majesty and his Parliament (which he assures you that hee no lesse desires then your selves) is, That the Parliament will take his Majesties Message of the twentieth of *January* last into consideration speedily, seriously, and effectually; and that the *Militia* of this Kingdome may be settled by Act of Parliament, according to his Majesties explanation of his Answer concerning the *Militia*, which he made in the Answer he returned to both Houses, upon the Petition presented to him the 26 of *March* last. And therefore his Majesty desires you, to take those Answers, and that Message into your serious consideration, and thereupon to proceed (according to the intimation in your Petition) in your Addresses to the Parliament, as you shall judge fittest for the good of this Kingdom, and the expressions of your Duty and Affection to his Majesties Person and State.

At the Court at York, 7 Aprilis, 1642. Signed by Master Secretary Nicholas.

FINIS.

His Majesties Message sent to the Parliament the eighth of *April*, 1642. Concerning His Resolution to go into *Ireland* for suppressing the Rebels there.

His Majestie being grieved at the very soule, for the Calamities of his good Subjects of *Ireland*, and being most tenderly sensible of the false and scandalous Reports dispersed amongst the People, concerning the Rebellion there, which not onely wounds his Majestie in Honour, but likewise greatly Retards the reducing of that unhappy Kingdome, and multiplies the Distractions at home, by weakning the mutuall confidence betwixt him and his People: Out of his pious Zeale to the Honour of Almighty God, in establishing the true Protestant Profession in that Kingdom, and his Princely care for the good of all his Dominions, Hath firmly resolved with all convenient speed to goe into *Ireland*, to chastise those wicked and detestable Rebels (odious to God and all good men) thereby so to settle the Peace of that Kingdom, and the Security of this, that the very name of Feares and Jealousies may be no more heard of amongst us.

As

As his Majestie doubts not, but that his Parliament will cheerfully give all possible assistance to this good Work; so hee requires them and all his loving Subjects to believe, That he shall upon those Considerations as earnestly pursue this Designe (not declining any hazard of his person, in performing that Duty which he oweth to the defence of Gods true Religion, and his distressed Subjects) as for these, and onely these Ends he undertakes it: to the sincerity of which Profession he calls God to witnesse, with this further assurance, That His Majestie will never consent (upon whatsoever pretence) to a Toleration of the Popish Profession there, or the Abolition of the Laws now in force against Popish Recusants in that Kingdom.

His Majestie hath further thought fit to advertise his Parliament, That towards this Worke hee intends to raise forthwith by his Commissions, in the Counties neer *Westchester*, a Guard for his owne Person (when hee shall come into *Ireland*) consisting of two thousand Foot, and two hundred Horse, which shall be armed at *Westchester*, from his Magazine at *Hull*: At which time all the Officers and Souldiers shall take the Oaths of Supremacy, and Allegiance: The charge of raising and paying whereof his Majestie desires his Parliament to adde to their former Undertakings for that War, which his Majestie will not onely well accept; But if their Pay be found too great a Burthen to his good Subjects, his Majestie will be willing (by the Advice of his Parliament) to sell, or pawn any of his Parks, Lands, or Houles towards the supplies of the Service of *Ireland*: With the Addition of these Leavies to the former of English and Scots agreed upon in Parliament, hee hopes so to appeare in this Action, that (by the assistance of Almighty God) in a short time that Kingdome may be wholly reduced and restored to Peace and some measure of Happiness whereby he may cheerfully return, to be welcomed home with the Affections and Blessings of all his good English People.

Toward this good Worke, as his Majestie hath lately made dispatches unto *Scotland*, to quicken the Leavies there for *Wlster*; So hee heartily wishes that his Parliament here would give all possible Expedition to those which they have resolved for *Munster* and *Conaught*; and hopes the encouragement which the Adventurers (of whose interest his Majestie will be alwayes very carefull) will hereby receive (as likewise by the lately signing of a Commission for the Affairs of *Ireland*, to such persons as were recommended to him by both Houses of Parliament) will raise full summes of money for the doing thereof.

His Majestie hath bin likewise pleased (out of his earnest desire to remove all occasions, which doe unhappily multiply Mis-understandings between him and his Parliament) to prepare a Bill to be offered to them by his Attourney, concerning the *Militia*, whereby hee hopes the Peace and Safety of this King-

Kingdom may be fully secured, to the generall satisfaction of all men, without violation of his Majesties just Rights, or prejudice to the Liberty of the Subject. If this shall be thankfully received; He is glad of it. If refused, He calls God, and all the World to judge, on whose part the default is. One thing his Majesty requires, (if this Bill be approved of) That if any Corporation shall make their lawfull Rights appear, they may be reserved to them.

Before his Majestie shall part from *England*, he will take all due care to entrust such persons with such Authority in his absence, as he shall find to be requisite for the Peace and Safety of this Kingdome, and the happy Progressse of this Parliament.

FINIS.

Die Sabbati 9 Aprilis, 1642.

THe Lords and Commons do declare, That they intend a due and necessary Reformation of the Government and Liturgy of the Church, and to take away nothing in the one or the other, but what shall be evill, and justly offensive, or at least unnecessary and burdensome: And for the better effecting thereof, speedily to have Consultation with Godly and Learned Divines. And because this will never of it self attain the end sought therein, they will therefore use their utmost endeavours to establish Learned and Preaching Ministers, with a good and sufficient mayntenance throughout the whole Kingdome, wherein many dark Corners are miserably destitute of the means of Salvation, and many poor Ministers want necessary provision.

Io. Brown Cleric. Parliament. H. Elfyng Cler. Parl. Dom. Com.

Ordred by the Lords in Parliament, That this Declaration of both Houses, touching the Government and Liturgie of the Church, shall be forthwith printed, and publish'd by the Sheriffs in their severall Counties, in all the Market Towns, within the Kingdoms of England and Dominion of Wales.

John Brown Cler. Parl.

The

The Names of such Members of the Commons House of Parliament, as have already subscribed in pursuance of the Act of Parliament, for the speedy reducing of the Rebels, and the future peace and safety of this Kingdom; Together with the sums they have severally under-written, viz.

M After *Walter Long*, 1200 pounds. Sir *Robert Pye*, 1000. 8 Martii 1641. Master *Samuel Vassall*, 1200. Sir *Samuel Rolis* of *Devon*, 1000. *William Lord Munson*, 2400. Sir *John Harrison*, 1200. 19 Martii, Sir *William Brereton*, 1000. 21 Martii, Sir *Edward Ayscough*, 600. Master *John* and Master *Edward Ash*, 1200. 24 Martii, Sir *Gilbert Pickering*, 600. 25 Martii, 1642. Sir *John Clotworthy* in money, 500. Sir *John Clotworthy* for his entertainment as Colonell in the Irish Wars, 500. Master *Henry Martin*, 1200. 26 Martii, Master *Arthur Goodwyn*, 1800. Sir *Arthur Haslerigge* of *Leicestershire*, 1200. Master *Robert Reynolds*, 1200. Sir *Robert Parkhurst*, 1000. Sir *Thomas Dacres*, 600. Sir *John Potts*, 600. Sir *Arthur Ingram*, 1000. Doctor *Thomas Eden*, 600. Master *Oliver Cromwel*, 500. Master *Nathaniel Fines*, 600. Master *John Pym*, 600. Sir *Walter Earle*, 600. Master *Cornelius Holland*, 600. Sir *John Northcot*, 450. Master *Roger Mathew*, 300. Sir *Nathaniel Bernardiston*, 600. Sir *William Malham*, 600. Sir *Martin Lomley*, for *Martin Lomley* Esquire his Son 1200. Master *Thomas Hoyle* of *York*, 600. Master *Anthony Bedingsfield* and Master *William Cage*, 700. Sir *William Allenson* of *York*, 600. Master *William Hevengham*, 600. Master *Harbert Morley*, 600. Sir *William Morley*, 1200. Sir *John Culpepper*, 600. Sir *Edward Partherich*, 600. *Richard Shuttlesworth*, Esquire, 600. Master *John More*, and Master *William Thomas*, 600. Master *John Lisle*, 600. Master *John Blackstone*, 600. Sir *Gilbert Gerard*, 2000. Master *Bulstrode Whitlock*, 600. Sir *Edmond Momford*, and Master *Richard Harmon*, 600. Master *John Trenchard*, 600. Master *John Gardon*, 1000. Master *John Barker*, 1000. Master *William Harrison*, 600. 29 Martii, Master *John Wilde* Serjeant at Law, and Master *Thomas Lane*, 1000. *Nathaniel Hallows* of *Darby*, for himself and others, 1400. *John Franklin*, 600. Master *George Buller*, of the County of *Cornwall*, 600. Sir *Henry Mildmay*, 600. 1 April. Master *Oliver Saint John*, 600. Sir *John Wray*, 600. Sir *Thomas Barrington*, 1200. Master *Robert Goodwyn*, and Master *John Goodwyn*, 600. 2 April. Master *Denzil Hollis*, 1000. Master *John Crew*, 600. Sir *John Peyton*, 600. 4 April,

4 April, Sir *William Plafors*, 600. Sir *William Strickland*, 600. Sir *Thomas Savine*, 1000. *Alexander* and Squire *Bence*, 600. Master *John Rolles* of *Devon*, 450. Master *John Hampden*, 1000. Master *William Ieffon*, 300. Sir *Edward Baynton*, 600. *Thomas* Lord *Wenman*, and Master *Richard Winwood*, 1200.
 5 April. Sir *William Drake*, 600. Master *William Spurstow*, 600. Sir *John Evelyn* of *Godstone* in the County of *Surrey*, for himself and others, 1500. 7 April. Master *Miles Corbet*, 200 pounds, 9 April.

A speciall Order of the House of Commons, concerning the free offer of the County of *Buckingham*.

Die Sabbati 9 April 1642.

VV Hereas the Gentlemen of the County of *Buckingham* have offered unto this House freely, to lend six thousand pounds upon the Act of Contribution for the affairs of *Ireland*, and to pay in the same before the first day of *May* next ensuing. This House doth take in very good part that offer, and accept the same, and doth hereby Order, that the said six thousand pounds shall be repayed out of the first moneys that shall be raised in that County upon the Bill of foure hundred thousand pounds, and Master *Hampden*, Master *Goodwyn*, Master *Winwood*, and Master *Whitlocke*, are appointed to returne thanks to the County of *Buckingham* from this House for their kind offer and acceptable service.

And it is further Ordered and declared by this House, that if any other County, or persons shall do the like, the same will be taken as a very good service to the Common-wealth, and such as will be well accepted by this House, and the moneys which they shall lend, shall be repayed unto them with interest, if they desire it, out of the moneys that shall be raised in those Counties, where such persons inhabit, out of the Bill of foure hundred thousand pounds.

And it is further ordered, that this Order shall be forth-with Printed.

H. Elsing Cler. Parl. Com.

T

The

The humble Petition of the Lords and Commons to the
King, For leave to remove the Magazine at *Hull*
to the Tower of *London*:

And also to take off the Reprieve of the six condemned
Priests now in *New-gate*.

Most gracious Sovereign,

YOur most dutifull and loyall Subjects, the Lords and Commons in Parliament assembled, finding the Stores of Armes and Ammunition in the Tower of *London* much diminished; And that the necessity of supplies for Your Majesties Kingdome of *Ireland* (for which they have bin issued from thence) daily increaseth; And that the occasion for which the Magazine was placed at *Hull* is now taken away; And considering it will be kept here with lesse charge and more safety, and transported hence with much more convenience for the service of the Kingdom of *Ireland*.

They therefore humbly pray, that Your Majesty will be graciously pleased to give leave that the said Arms, Cannon and Ammunition, now in Magazine at *Hull*, may be removed to the Tower of *London*, according as shall be directed by both Your Houses of Parliament.

And whereas six Priests now in *New-gate* are condemned to die, and by Your Majestie have bin Reprieved;

They humbly pray Your Majestie to be pleased that the said Reprieve may be taken off, and the Priests executed according to Law.

His Majesties Answer to the fore-going Petition of the Lords and Commons in Parliament.

WE rather expected (and have done so long) that you should have given Us an account why a Garrison hath beene placed in Our Towne of *Hull* without Our consent, and Souldiers Billeted there against Law, and expresse words of the Petition of Right, Then to be moved (for the avoiding of a needlesse charge you have put on your selves) to give Our consent for the removall of Our Magazine and Munition (Our owne proper Goods) upon such generall Reasons, as indeed give no satisfaction to Our judgement. And since ye have made the businesse of *Hull* your Argument, We would

would gladly be informed, why Our own inclination (on the generall rumour of the designs of Papiſts in the Northern parts) was not thought ſufficient ground for Us to put a Perſon of Honour, Fortune and unblemished Reputation, into a Town and Fort of Our own, where Our own Magazine lay; And yet the ſame rumour be Warrant enough for you, to commit the ſame Towne and Fort (without Our conſent) to the hands of Sir *John Hoſham*, with a Power unagreeable to the Law of the Land, or the Liberty of the Subject: And yet of this in point of Right or Priviledge, (for ſure We are not without Priviledge too) Wee have not all this while complained; And being confident that that place (whatſoever diſcourſe there is of publike or private Inſtructions to the contrary) ſhall be ſpeedily given up, if We ſhall require it; We ſhall be contented to diſpoſe Our Munition there (as We have done in other places) for the publick eaſe and benefit, as upon particular advice Wee ſhall finde convenient: Though We cannot think it fit, or conſent that the whole Magazine be removed together. But when you ſhall agree upon ſuch Proportions as ſhall be held neceſſary for any particular ſervice, Wee ſhall ſigne ſuch Warrants as ſhall be agreeable to Wiſdome and Reaſon. And if any of them be deſigned for *Viſter* or *Leinſter*, you know well the conveyance will be more eaſie and convenient from the place they now are in. Yet We muſt tell you, That if the Fears are ſo great from the Papiſts at home, or of Forreigne Force, (as is pretended) it ſeems ſtrange that you make not proviſion of Armes and Munition for defence of this Kingdom, rather then ſeek to carry any more from hence, without ſome courſe taken for ſupply, eſpecially if you remember your engagement to Our *Scots* Subjects, for that proportion of Arms which is contained in your Treaty. We ſpeake not this, as not thinking the ſending of Arms to *Ireland* very neceſſary, but onely for the way of the Proviſion. For you know what great quantities Wee have aſſigned out of Our ſeverall Stores, which in due time, We hope, you will ſee replenished. For the charge of looking to the Magazine at *Hull*, as it was undertaken voluntarily by you at firſt, and (to ſay no more) unneceſſarily, ſo you may free Our good People of that charge, and leave it to Us to look to, who are the proper Owner of it.

And this We hope will give you full ſatisfaction in this point, and that ye do not (as yee have done in the buſineſſe of the *Militia*) ſend this Meſſage out of complementall Ceremony, reſolving to be your own Carvers at laſt. For We muſt tell you; If any attempt, or direction ſhall be made or given in this Matter, without Our conſent or approbation, We ſhall eſteem it as an Act of violence againſt Us, and declare it to all the World, as the greateſt violation of Our Right, and breach of Our Priviledge.*

Concerning the ſix Priests condemned; It is true, they were Reprieved by

Our Warrant, being informed that they were, (by some restraint) disabled to take the benefit of Our former Proclamation : since that, Wee have issued out another for the due execution of the Laws 'gainst Papists, and have most solemnly promised in the word of a King, never to pardon any Priest (without your consent) which shall be found guilty by Law; desiring to banish these, having herewith sent Warrant to that purpose, if upon second thoughts ye do not disapprove thereof: But if you think the Execution of these Persons so very necessary to the great and pious work of Reformation, We refer it wholly to you; declaring hereby, that upon such your Resolution signified to the Ministers of Justice, Our Warrant for their Reprieve is determined, and the Law to have the course.

And now let Us aske you (for Wee are willing to husband time, and to dispatch as much as may be under one Message: God knows the Distractions of this Kingdom want a present Remedy.) Will there never be a time to offer to, as well as to ask of Us? We will propose no more particulars to you, having no luck to please, or be understood by you. Take your own time for what concerns Our particular: But be sure ye have an early, speedy care of the Publick, that is, of the only Rule which preserves the Publick, The Law of the Land: Preserve the Dignity, and Reverence due to that. It was well said in a Speech made by a private Person, but published by Order of the House of Commons this

Parliament; *The Law is that which puts a difference betwixt Good and Evil, betwixt Just and Unjust: If you take away the Law, all things will fall into a Confusion, every man will become a Law unto himself, which in the depraved condition of humane nature must needs produce many great enormities: Lust will become a Law, and Envy will become a Law, Covetousnesse and Ambition will become Laws, and what Dictates, what Decisions such Laws will produce, may easily be discerned.* So said that Gentleman, and much more very well in defence of the Law, and against Arbitrary Power. It is worth looking over and considering. And if the most Zealous Defence of true Protestant Profession, and the most Resolved Protection of the Law, be the most necessary Duty of a Prince, We cannot believe this miserable Distance, and Misunderstanding can be long continued betwene Us, Wee having often and earnestly Declared them to be the chiefest Desires of Our Soul, and the End, and Rule of all Our Actions.

For Ireland We have sufficiently, and We hope satisfactorily expressed to all Our good Subjects, Our hearty sense of that sad Businesse, in Our severall Messages in that Argument; But especially in Our last of the eighth of this moneth, concerning Our Resolution for that Service: For the speedy, honorable, and full Performance whereof, We conjure you to yield all possible Assistance, and present Advice.

FINIS.

The

The Petition of the Lords and Commons, presented to
His Majesty by the Earle of *Stamford*, Master Chan-
cellour of the Exchequer, and Master

Hungerford, April 28, 1642.

May it please your Majestie,

YOur Majesties most loyall and faithfull Subjects, the Lords and Commons in Parliament have duly considered the Message received from Your Majesty, concerning Your purpose of going into *Ireland* in Your own person, to prosecute the Warre there with the bodies of Your *English* Subjects, le-
vied, transported, and mayntained at their charge, which You are pleased to pro-
pound to Us, not as a matter wherein Your Majestie desires the advice of Your
Parliament, but as already firmly resolved on, and forthwith to be put in exe-
cution, by granting out Commissions for the leavying of two thousand Foot,
and two hundred Horse for a Guard for Your Person when You shall come in-
to that Kingdome: wherein we cannot chuse but with all reverence and humi-
lity to Your Maiestie, observe that You have declined Your great Councell the
Parliament, and varied from the usuall course of Your Royall Predecessours,
That a businesse of so great importance concerning the peace and safety of all
your Subjects, and wherein they have a speciall interest by Your Majesties pro-
mise, and by those great Summs which they have disbursed, and for which they
stand engaged, should be concluded and undertaken without their advice:
Whereupon we hold it our duty to declare, That if at this time Your Majesty
shall goe into *Ireland*, You will very much endanger the safety of Your Royall
Person and Kingdomes and of all other States professing the Protestant Reli-
gion in Christendom, and make way to the execution of that cruell and bloody
Designe of the Papists every where to root out and destroy the Reformed Re-
ligion, as the Irish Papists have in a great part already effected in that King-
dom, and in all likelihood would quickly be attempted in other places, if the
consideration of the strength and union of the two Nations of *England* and
Scotland did not much hinder and discourage the execution of any such De-
signe. And that wee may manifest to Your Majestie the danger and misery,
which such a journey and enterprize would produce, wee present to Your Ma-
jestie the Reasons of this our humble opinion and advice.

YOur Royall Person will be subject, not onely to the casualty of War,
but to secret practices and conspiracies, especially Your Majesty con-
tinuing Your profession to mayntaine the Protestant Religion in that

Kingdom, which the Papists are generally bound by their vow to extirpate.

2 It will exceedingly encourage the Rebels, who doe generally professe and declare, that Your Majesty doth favour and allow their proceedings, and that this Insurrection was undertaken by the Warrant of Your Commission, and it will make good their expectation of great advantage by Your Majesties presence at this time of so much distraction in this Kingdome, whereby they may hope we shall be disabled to supply the Warre there, especially there appearing lesse necessity of Your Majesties Journey at this time, by reason of the manifold successes which God hath given against them.

3 It will much hinder and impair the means whereby this War is to be supported, and increase the charge of it, and in both these respects, make it more insupportable to Your Subject: and this we can confidently affirme, because many of the Adventurers, who have already subscribed, doe upon the knowledge of your Majesties Intention, declare their resolution, not to pay in their money; and others very willing to have subscribed, doe now professe the contrary.

4 Your Majesties absence must necessarily very much interrupt the proceedings of Parliament, and deprive your Subjects of the benefit of those further Acts of Grace, and Justice, which we shal humbly expect from Your Majesty, for the establishing of a perfect union, and mutuall confidence betwixt Your Majesty and Your People, and procuring and confirming the prosperity and happinesse of both.

5 It will exceedingly increase the jealousies and feares of Your People, and render their doubts more probable, of some force intended by some evill counsels neer Your Majestie, in opposition of the Parliament, and favour of the malignant party of this Kingdom.

6 It will bereave your Parliament of that advantage, whereby they were induced to undertake this War, upon Your Majesties promise that it should be managed by their advice; which cannot be done, if Your Majesty contrary to their counsels shall undertake to order and govern it in Your own Person.

Upon which and divers other Reasons we have resolved, by the full and concurring agreement of both Houses, that wee cannot with discharge of our duty consent to any Leavies, or raising of Souldiers to be made by Your Majesty for this Your intended expedition into *Ireland*, or to the payment of any Army or Souldiers there but such as shall be employed and governed according to our advice and direction; and that if such Leavies shall be made by any Commission of Your Majestie (not agreed to by both Houses of Parliament) wee shall be forced to interpret the same to be raised to the terrour of your people, and disturbance of the publike peace, and hold our selves bound by the Laws of the Kingdom, to apply the Authority of Parliament to suppress the same.

And

And we do further most humbly declare, That if Your Majestie shall by ill counsell be perswaded to go contrary to this advice of Your Parliament (which we hope Your Majesty will not) We do not in that case hold our selves bound to submit to any Commissioners, which your Majestie shall choose, but doe resolve to preserve and governe the Kingdom by the counsell and advice of Parliament for Your Majestie and Your Posteritie, according to our Allegiance, and the Law of the Land.

Wherefore we doe most humbly pray, and advise Your Majestie to desist from this Your intended passage into *Ireland*, & from all preparation of men & Armistending thereunto, and to leave the managing of that War to Your Parliament, according to Your Majesties promise made unto us, and Your Royall Commission granted under Your great Seale of *England*, by advice of both Houses, in prosecution whereof, by Gods blessing, we have already made a prosperous entrance by many Defeats of the Rebels, whereby they are much weakened & disheartened, and have no probable means of subsistence, if Our proceedings shall not be interrupted by this interposition of Your Majesties Journey, but that We may hope upon good grounds, that within a short time, without Hazard of Your Majesties person, and so much dangerous confusion to Your Kingdoms (which must needs ensue) if you should proceed in this Resolution, we shall be enabled fully to vindicate Your Majesties Right and Authority in that Kingdom, and punish those horrible outrageous cruelties, which have bin committed in the murdering and spoiling so many of Your Subjects, and bring that Realm to such a condition as may be much for the advantage of Your Majesty, and this Crown, the honour of Your Government, and Contentment of Your People. For the better, and more speedy effecting whereof, we do again renew our humble desires of Your Return to Your Parliament; and that You will please to reject all Counsels and Apprehensions, which may any way derogate from that Faithfulnesse and Allegiance, which in truth and sincerity wee have always borne and professed to Your Majestie, and shall ever make good to the uttermost with our lives and fortunes.

His Majesties Answer to the said Petition.

WE are so troubled and astonished to find the unexpected reception, and misunderstanding of Our Message of the eighth of *April* concerning Our Irish Journey, that being so much disappointed of the approbation and thanks Wee looked for to that Declaration; Wee have great cause to doubt, whether it be in Our power to say or do any thing which shall not fall within the

the like interpretation, But as VVe have in that Message called God to witnesse the sincerity of the profession of Our onely Ends for the undertaking that Journey: so VVe must appeale to all Our good Subjects, and the whole world, whether the Reasons alledged against that Journey be of weight to satisfie Our understanding, or the counsell presented to dissuade Us from it, be full of that duty as is like to prevaile over Our affections.

For Our resolving of so great a Businesse without the Advice of Our Parliament. We must remember you how often by Our Messages We made the same offer, if you should advise Us thereunto. To which you never gave Us the least answer, but in your late Declaration told Us, That ye were not to be satisfied with words: so that VVe had reason to conceive you rather avoided (out of regard to Our Person) to give Us counsell to run that hazard, then that you disapproved the inclination. And what greater comfort, or security can the Protestants of Christendome receive, then by seeing a Protestant King venture and engage His Person for the defence of that Profession, and the suppression of Popery, to which We solemnly protested in that Message, never to grant a Toleration upon what pretence soever, or an Abolition of any of the Lawes there in force against the Professors of it. And when VVe consider the great calamities, and unheard of cruelties Our poore Protestant Subjects in that Kingdom have undergone for the space of neere, or full six moneths, the growth and increase of the strength of those barbarous Rebels, and the evident probability of Forreign Supplies, (if they are not speedily suppressed) The very slow Succours hitherto sent them from hence; That the Officers of severall Regiments, who have long time been allowed entertainment from you for that Service, have not raised any supply or Succour for that Kingdom; That many troops of Horse have long lien neere *Chester* untransported; That the Lord Lieutenant of *Ireland*, on whom We relied principally for the Conduct and managing of affaires there, is still in this Kingdom, notwithstanding Our earnestnesse expressed that he should repaire to his Command; And when VVe consider the many and great scandals raised upon Our Selfe by report of the Rebels, and not sufficiently discountenanced here, notwithstanding so many professions of Ours; And had seene a Booke lately printed by the Order of the House of Commons, Entituled, *A Remonstrance of divers remarkable Passages concerning the Church and Kingdom of Ireland*, VVherein some Examinations are set downe, which (how improbable or impossible soever) may make an impression in the mindes of many of Our weake Subjects; And lastly, VVhen We duely weigh the dishonour which will perpetually lie upon this Kingdom, if full and speedy reliefe be not dispatched thither. We could, nor cannot thinke of a better way to discharge Our duty to Almighty God, for the defence of the true Protestant Profession, or to manifest Our affection to Our three Kingdomes

domes for their preservation, then by engaging Our Person in this Expedition, as many of Our Royall Progenitors have done, even in Forreign parts, upon causes of lesse Importance and Piety, with great Honour to themselves, and advantage to this Kingdome: And therefore We expected at least, thanks for such Our Inclination.

For the danger to Our Person; We conceive it necessary and worthy of a King to adventure His life to preserve His Kingdome, neither can it be imagined, that VVe wil sit still, and suffer Our Kingdomes to bee lost, and our good Protestant Subjects to bee Massacred, without exposing Our owne Person to the utmost hazard for their reliefe and preservation: Our life, when it was most pleasant, being nothing so precious to Us, as it is, and shall be to governe and preserve Our people with Honour and Justice.

For any encouragement to the Rebels, because of the reports they raised; We cannot conceive that the Rebels are capable of a greater Terrour, then by the presence of their lawfull King in the head of an Army to chastise them: Besides, it will be an unspeakable advantage to them, if any reports of theirs could hinder Us from doing any thing which were fit for Vs to doe, if such reports were not raised: This would quickly teach them, in this jealous Age, to prevent by such reports any other persons comming against them, whom they had no mind should be employed.

We marvell that the Adventurers, whose advantage was a principall Motive (next the reason before mentioned) to Vs, should so much mistake Our purpose, whose Interest VVe conceive must be much improved by the expedition VVe hope (by Gods blessing) to use in this Service: this being the most probable way for the speedy Conquest of the Rebels: Their Lands are sufficiently secured by Act of Parliament.

VVe thinke not Our selfe kindly used, That the addition of so few men to your Leavies (for a Guard to Our Person in *Ireland*) should be thought fit for your refusall: and much more, that having used so many Cautions in that Message, both in the finalnesse of the number: In Our having raised none untill your Answer: In their being to be raised onely neere their place of Shipping: In their being there to be Armed, and that, not till they were ready to be Shipped: In the provision, by the Oaths, that none of them should be Papists (all which appears sufficient to destroy all grounds of jealousie of any force intended by them in opposition to the Parliament, or favour to any malignant partie) any suspition should notwithstanding be grounded upon it.

Neither can it be understood, That when VVe recommended the Managing of that warre to you, That VVe intended to exclude our Selfe, or not to be concerned in your Counsels, That if We found any expedient (which in Our conscience or understanding we thought necessary for that great worke) Wee might

might not put it in practice. We looke upon you as Our great Councell, whose advice We alwayes have and will (with great regard and deliberation) weigh and consider: But We looke upon Our Selfe, as neither deprived of Our understanding, or deested of any right We had, if there were no Parliament sitting. We cal'd you together by Our owne Writ and Authoritie (without which you could not have met) to give Us faithfull Counsell about Our great Affaires: But we resigned not up Our owne Interest and Freedome. We never subjected Our Selfe to your absolute determination. Wee have alwayes weighed Your Counsels, as proceeding from a Body entrusted by Us: And when We have dissented from you, We have returned you the Reasons, which have prevailed with Our conscience and understanding, with that Candor, as a Prince should use towards His Subjects; and that affection, which a Father can expresse to his children. What application hath been used to rectifie Our understanding by Reasons, or what Motives have been given to perswade Our affections, We leave all the world to judge: And then We must tell you, howsoever a Major part may bind you in matter of Opinion; We hold Our Selfe (and We are sure the Law, and the Constitution of the Kingdome hath alwayes held the same) as free to dissent (till Our Reason be convinced for the generall Good) as if you delivered no Opinion.

For Our Journey it selfe, The circumstances of your Petition are such, as We know not well what answer to returne, or whether we were best to give any. That part which pretends to carry reason with it, doth no way satisfie Us: The Other, which is rather Reprehension and Menace, then advice, cannot stagger Us. Our Answer therefore is, That We shall be very glad to find the Worke of *Ireland* so easie as you seeme to thinke it; Which did not so appeare by any thing known to Us, when We sent Our Message. And though Wee will never refuse, or be unwilling to venture Our Person, for the good and safetie of Our People; We are not so weary of Our life, as to hazard it impertinently. And therefore since You seeme to have received Advertisements of some late and great Successes in that Kingdome, We will stay some time to see the event of those, and not pursue this Resolution, till We have given you a second Notice. But if We find the miserable Condition of Our poore Subjects of that Kingdom be not speedily relieved, We will (with Gods assistance) visit them with succours, as our particular Credit and Interest can supply Us with, if you refuse to joyne with Us. And We doubt not but the Leavies We shall make (in which VVe will observe punctually the former, and all other Cautions, as may best prevent all Feares and Jealousies, and to use no Power but what is Legall) will be so much to the satisfaction of Our Subjects, as no person will dare presume to resist Our Commands; and if they should, at their perill. In the meane time VVe hope Our forwardnesse so remarkable to that Service,

Service, shall be notorious to all the world, and that all scandals laid on Us in that businesse shall be clearly wiped away.

We were so carefull that Our Journey into *Ireland* should not interrupt the proceedings of Parliament, nor deprive Our Subjects of any Acts of Justice, or further Acts of Grace, for the reall benefit of Our People, that We made a Free offer of leaving such Power behind, as should not onely be necessary for the Peace and Safetie of the Kingdome; but fully provide for the happy Progressse of the Parliament. And therefore We cannot but wonder, since such Power hath been alwayes left here by Commission for the Government of this Kingdome, when Our Progenitors have been out of the same, during the sitting of Parliaments: And since your selves desired that such a Power might be left here by Us at Our last going into *Scotland*, what Law of the Land have you now found to Dispencc with you, from submitting to such Authority, Legally derived from Us, in Our absence, and to enable you to Govern this Kingdome by your owne inere Authority?

For Our returne towards *London*, VVe have given you so full an Answer in Our late Declaration, and in Answer to your Petition presented to Us at *Yorke* the 26 of *March* last, that VVe know not what to adde, if you will not provide for Our Securitie with you, nor agree to remove to another Place, where there may not be the same Danger to Us. VVe expected that (since VVe have been so particular in the Causes and Grounds of Our Feares) you should have sent Us word, that you had published such Declarations against future Tumults, and unlawfull Assemblies, and taken such Courses for the suppressing of Seditious Sermons and Pamphlets, that Our Feares of that kind might bee laid aside, before you should presse Our Returne.

To conclude, VVe could wish that you would (with the same strictnesse and severity) weigh and examine your Messages and Expressions to Us, as you doe those ye receive from Us; For VVe are very confident, that if you examine Our Rights and Priviledges, by what Our Predecessours have enjoyed; and your owne addressees, by the usuall Courses of your Ancestors; yee will find many expressions in this Petition warranted onely by your own Authority, which indeed VVe forbore to take notice of, or to give Answer to, lest VVe should be tempted (in a just indignation) to expresse a greater Passion, then VVe are yet willing to put on. God in his good time (VVe hope) will so informe the hearts of all Our Subjects, that VVe shall recover from the mischief and danger of this Distemper; On whose good pleasure VVe will wait with all patience and humilitie.

FINIS.

A Letter sent to His Majestie, from the Lords Iustices, and
 Councell in *Ireland* April 23. 1642.
 Concerning His Majesties Resolution to go into *Ireland*.

May it please Your most Excellent Majestie,

BY Your Majesties gracious Letters of the thirteenth of this Moneth, and a Copie of Your Majesties Message sent lately to Your Parliament in Your Kingdome of *England*. (both which came to the hands of us Your Justices, on the eighteenth of this Moneth) wee observe that Your Majestie (out of a just sense of the great miseries and afflictions of Your distressed Subjects in this Your Kingdome of *Ireland*, occasioned by the inhumane cruelties of the Rebels here; And out of Your tender and gracious care of Your good Subjects on this side, hath firmly resolved (by the assistance of Almighty God) with all possible speed to make a Journey hither, in Your own Royall Person, for the full and finall suppressing of this Rebellion.

Those Letters and Message we Your Majesties Justices then immediately communicated with the Councell, as we alwayes doe all matters of Importance concerning Your Sacred Majesties Services; And caused the Copy sent us of Your Message to Your Parliament in *England* to be printed here; so to make knowne here Your Majesties gracious purpose, as You commanded us.

And we all joyntly doe humbly beseech Your Majestie to give us leave to cast our selves at Your Majesties feet, and (with the Duty and Loyalty of faithfull Subjects) most humbly and thankfully to acknowledge to Your Sacred Majestie, as well Your continued Grace and Goodnesse, upon all occasions expressed to this Your Kingdome, and all Your Subjects therein; and amongst them, even those wretched Rebels themselves heretofore, when they stood in the condition of good Subjects, though they want the gratitude to be sensible of it; as particularly, this high addition of your Majesties gracious favour to us, in not sparing the paines, or hazard even of Your own Royall Person, for the suppressing of this hideous Rebellion, and punishment of these ungratefull and treacherous Rebels, who are thus unnaturally risen in Armes against Your Majestie, Expressed such unparalleled hatred and detestation against Your Government and Nation, Spilt (unprovoked) the blood of so many thousands of Your faithfull and innocent Subjects, Destroyed the Estates of all the British and Protestants in the Kingdome, And (which is above all) as appears by severall examinations, and many other concurring Circumstances here, notwithstanding all their false and feigned Pretences to disguise their wicked and traitorous purposes, aimed finally at no lesse (which wee tremble to write,

write, and cannot thinke without horrou and astonishment at their Impiety) then even to deprive You of Your Royall Crowne and Dignitie, and to place over them some of themselves, or some Forreign Prince, and so altogether to shake off the English Government.

Wherefore we cannot but rejoyce (even in the middest of our present Calamities) to heare Your Majesties Princely purpose, to take just vengeance on them, for vindicating your Honour, revenging the blood and destruction of so many of Your faithfull Subjects, and Securing the future Safetie of Your Crownes and Kingdomes.

And as we doe thus joyfully apprehend the happinesse we are to enjoy by those Your Majesties Royall purposes, so we hold it agreeable with the dutie of us Your loyall Subjects and faithfull servants, whom you have advanced to the Honour to serve You as Counsellours to You in this Your Kingdome, humbly to represent to Your Majestie upon this occasion the present estate of Your affaires here, and the condition wherein this Kingdome stands, which we have done by our Letters now sent to Master Secretarie *Nicholas*, to bee made knowne to Your Majestie, that so Your Majestie understanding them, may on that side provide for supplying our defects here, and rendering safety to Your owne Royall Person, against these bloody Rebels, as Your Majestie in Your excellent Judgement shall thinke fit, whereby You may (to the comfort of your good Subjects, and terrour of Your enemies,) appeare in this Kingdome in that Majestie which is futable to the Greatnesse and Wisedome of so Mighty a King as God hath appointed you, whom we pray God to blesse and prosper with length of dayes, and a happy and blessed Government over this, and all other Your Kingdomes and Dominions, to the Glory of God, the Honour of your Majestie, and the Joy and Comfort of all Your Subjects, and amongst them of us,

*From Your Majesties Castle of
Dublin, 23. April. 1642.*

*Your Majesties most loyall and most faith-
full Subjects and Servants.*

*Subscribed by Sir William Parsons, Sir Jo. Borlase Justices. E. of Ormond
Ossory. E. of Roscomon. Lord Ro. Digby. Lord Cha. Lambert. Sir Th.
Rotherham. Sir Jo. Temple. Sir Fra. Willoughby. Sir Ad. Loftus. Sir
Ja. Ware. Sir G. Wentworth. Sir Robert Meredith.*

. FINIS.

V 3

A Question

A Question answered : How Laws are to be understood,
and obedience yeilded ? Necessary for the present
state of things, touching the *Militia*.

Question. **N**ow in our extreame distractions, when forraigne forces threaten, and probably are invited, and a malignant and Popish party at home offended? The Divell hath cast a bone, and rais'd a contestation betwene the King and Parliament touching the *Militia*. His Majestie claimes the disposing of it to be in Him by the right of Law; The Parliament saith, *Rebus sic stantibus*, and nolenti Rege, the Ordering of it is in them?

Answer. **VV**hich Question, may receive its solution by this distinction. That there is in Laws an equitable, and a litterall sence. His Majesty (let it be granted) is intrusted by Law with the *Militia*, but it's for the good and preservation of the Republicke, against Forraigne Invasions or domesticke rebellions. For it cannot be supposed that the Parliament would ever by Law intrust the King with the *Militia* against themselves, or the Common-wealth, that intrusts them to provide for their weale, not for their woe. So that when there is certaine appearance or grounded suspicion, that the Letter of the Law shall bee improved against the equity of it (that is, the publicke good, whether of the body reall or representative) then the Commander going against its equity, gives liberty to the Commanded to refuse obedience to the Letter: for the Law taken abstract from its originall reason and end, is made a shell without a kernell, a shadow without a substance, and a body without a soule. It is the execution of Lawes according to their equity and reason, which (as I may say) is the spirit that gives life to Authority, the Letter kills.

Nor need this equity be expressed in the Law, being so naturally implied and supposed in all Laws that are not meerely Imperiall, from that analogie which all bodyes Politicke hold with the Naturall; whence all government and Governours borrow a proportionable respect; And therefore when the *Militia* of an Army is committed to the Generall, it is not with any expresse condition, that he shall not turn the mouths of his Cannons against his owne Souldiers, for that is so naturally and necessarily implied, that its needlesse to be expressed, inso much as if he did attempt or command such a thing against the nature of his trust and place, it did *ipso facto* estate the Army in a right of disobedience, except we thinke that obedience binds Men to cut their owne throats, or at least their companions.

And indeed if this distinction be not allowed, then the legall and mixt Monarchy

narchy is the greatest *Tyranny*, for if Laws invest the King in an absolute power, and the Letter be not controlled by the equity, then whereas other Kings that are absolute *Monarchs* and rule by will, and not by Law, are *Tyrants* perforce. Those that rule by Law and not by will, have hereby a *Tyranny* confer'd upon them legally, and so the very end of Laws, which is to give bounds and limits to the exorbitant wills of Princes, is by the Lawes themselves disappointed, for they hereby give corroboration (and much more Justification) to an arbitrary *Tyranny*, by making it legall, not assumed; which Laws are ordained to crosse not countenance: and therefore is the letter (where it seemes absolute) alwayes to receive qualification from the equity, else the foresaid absurdity must follow.

His Majesties Message to the House of Peeres.

Aprill 22. 1642.

HIS Majestie having seen a Printed Paper, entituled, *A Question answered how Lawes are to be understood, and obedience yeilded*; (which Paper Hee sends together with this Message) thinks fit to recommend the consideration of it to His House of Peeres, that they may use all possible care and diligence for the finding out the Author, and may give directions to His learned Councell, to proceed against Him and the publishers of it, in such a way as shall be agreeable to Law and the course of Justice, as persons who endeavour to stir up Sedition against His Majestie. And His Majestie doubts not but they will be very sensible how much their own particular Interest (as well as the publicke government of the Kingdome) is, and must be shaken, if such Licence shall be permitted to bold factious spirits to withdraw His Subjects strict obedience from the Laws established, by such Seditious and Treasonable distinctions. And of Doctrines of this nature His Majestie doubts not but that their Lordships will publish their great dislike, it being growne into frequent Discourse, and vented in some Pulpits (by those desperate turbulent Preachers, who are the great Promotors of the distempers of this time) *That humane Laws doe not binde the Conscience*; which being once beleaved, the civill Government and peace of the Kingdome will be quickly dissolved. His Majestie expects a speedy account of their Lordships exemplary Justice upon the Authors and Publishers of this Paper.

To

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To the Kings most Excellent *Majestie.*
The humble Petition of the Gentry and Commons
of the County of *York.*

Most Royall Sovereigne,

Encouraged by Your Majesties many Testimonies of Your gracious goodnesse to us and our Countie, which we can never sufficiently acknowledge; We in all duty and loyaltie of heart addresse our selves to Your Sacred Majesty, beseeching You to cast Your eyes and thoughts upon the safetie of Your owne Person and Your Princely Issue, and this whole Countie, a great meanes of which we conceive doth consist in the Armes and Ammunition at *Hull*; placed there by Your Princely care and charge, and since upon generall apprehension of dangers from Forreign parts represented to Your Majesty, thought fit as yet to be continued. We for our parts, conceiving our selves to be still in danger, doe most humbly beseech Your Majesty that You will be pleased to take such course and order that Your Magazine may still there remaine, for the better securing of these and the rest of the Northerne parts: And the rather because we thinke it fit, that that part of the Kingdome should be best provided where Your Sacred Person doth reside, Your Person being like *David*, The light of Israel, and more worth then ten thousand of us.

Who shall daily pray &c.

His Majesties Message sent to the Parliament, *April 24. 1642.*
Concerning Sir *John Hothams* Refusall to give His
M A J E S T Y Entrance into *Hull.*

His Majesty having received the Petition inclosed from most of the chiefe of the Gentry neere about *Yorke*, desiring the stay of his Majesties Armes and Munition in His Magazine at *Hull*, for the safetie (not onely of his Majesties Person and Children, but likewise of all these Northern parts: The manifold rumours of great Dangers inducing them to make their said Supplication) Thought it most fit to goe Himselfe in Person to His Towne of *Hull*, to view His Armes and Munition there, that thereupon He might give Directions, what part thereof might be necessary to remain there, for the securitie and satisfaction of His Northern Subjects, and what part thereof might be spared for *Ireland*, The arming of his Majesties Scots Subjects that are to go thither, Or to replenish His chiefe Magazine of the Tower of *London*; Where being

being come upon the three and twentieth of this instant *Aprill*, much contrary to His expectation, Hee found all the Gates shut upon Him, and the Bridges drawne up, by the expresse command of Sir *John Hotham*, (who for the present commands a Garrison there) and from the Walls flatly denied His Majestie Entrance into His said Towne, the reason of the said deniall being as strange to His Majestie, as the thing it selfe; It being, That hee could not admit His Majesty without breach of Trust to His Parliament; which did the more incense His Majesties anger against him, for that hee most seditiously and traitorously would have put his disobedience upon His Majesties Parliament; which His Majestie being willing to cleere, demanded of him if hee had the impudence to aver, that the Parliament had directed him to deny His Majestie entrance, and that if he had any such Order, that hee should shew it in writing, for otherwise His Majestie could not believe it; which hee could no ways produce, but maliciously made that false interpretation according to His own Inferences, confessing that he had no such positive Order, which His Majesty was ever confident of: But His Majesty not willing to take so much pains in vain, offered to come into that His Towne onely with twenty Horse, finding that the mayn of His pretence lay, That His Majesties train was able to command the Garrison: Notwithstanding, His Majesty was so desirous to go thither in a private way, that Hee gave warning thereof but over-night; Which hee refusing, but by way of Condition (which His Majestie thought much below Him) held it most necessary to declare him Traitour (unlesse upon better thoughts, hee should yield obedience) which hee doubly deserved, as well for refusing entrance to his naturall Sovereigne, as by laying the reason thereof groundlesly and maliciously upon His Parliament.

One Circumstance His Majesty cannot forget, That His Son the Duke of *York*, and His Nephew the Prince *Elektor*, having gone thither the day before, Sir *John Hotham* delayed the letting of them out to His Majestie till after some consultation.

Hereupon His Majesty hath thought it expedient to demand Justice of His Parliament against the said Sir *John Hotham*, to be exemplary inflicted on him according to the Laws, and the rather, because His Majestie would give them a fit occasion to free themselves of this imputation, by him so injuriously cast upon them, to the end His Majesty may have the easier way for the chastising of so high a disobedience.

His Majesties Letter to the Major of Kingston upon Hull.

*To Our trusty and welbeloved, the Major, Aldermen, and Burgeses of
Our Town and Port of Kingston upon Hull.*

TRusty and welbeloved, VVe greet you well, VVhereas VVe have bin long sensible of the just Complaints and great Burdens of Our Subjects in these Northern parts, by occasion of the Garrison in Our Town of *Hull*; And whereas VVee were upon Friday the 22 of this moneth petitioned by divers of the Gentry, and others, Inhabitants of this County, That the munition at *Hull* might remain in the Magazin there, for the security of Our Person, and of all these Northern parts, their Feare being much grounded upon the Parliaments Relations of Forreigne Invasions: Upon which, the more to expresse Our care of Our Peoples safety, VVe did Our Self go in Person to that Our Town, that upon Our own view, VVee might consult what proportion of it might be fitly removed upon any pressing occasion, having a respect to the promised supply for *Scotland*, the necessary use of Arms for *Ireland*, as well as for the safeguard and satisfaction of these Northern parts: But much contrary to Our expectation, and the Duty and Allegiance of Our Subjects, VVee found the Gates of that Our Town shut and the Bridges drawn up against Us; and though VVe came in a peaceable way, reposing the greatest Confidence in the Love and Loyalty of Our People, by offering (as VVe did) to put Our own Person, and Our two Sons, but with twenty Horse, into that Towne, there being in it a Garrison of about eight hundred Souldiers; Yet VVe were not onely denied entrance, but in a warlike manner opposed by Sir *John Hotham*, the armed men being placed in all the Ports, and about all the VValls of the Town, alleaging (though falsely) for his excuse, The Command of the Parliament, and being pressed by Us to shew such an Order in writing, he could not do it; for VVe were ever very confident that there was never any publick Order of theirs, that could so much as imply a deniall to Our admission; VVe knowing well enough, that he was entrusted by them for a Guard and Security of that place against Forreigne Enemies, or those at home who are dis-affected in Religion, and not against His naturall Sovereigntie, which hostile Opposition and actuall Levying of VVat against Our Person, being by the Statute of 25 *Ed. 3.* enacted High Treason: VVhich Statute considered, and that for the avoiding of all Jealousies, as VVe have said, VVe were content to have bin admitted with so very small a number in our Company, VVee were thereupon constrained to proclaime the said Sir *John Hotham*, and all those that should adhere to, or assist him, Traitors. Of all which

which abovesaid passages, VVe have acquainted Our Parliament, demanding Justice to be done upon him, that they might thereby have opportunity to vindicate the imputation laid on them by Sir John Hotham, and VVee the easier way to chastize, according to the Law, so high a Treason. And lest a mis-understanding of Our Intentions, or of the Law may misguide any of Our loyall and wel-affected Subjects, the Inhabitants, Captains, Officers, or Souldiers in that Town, VVe have thought fit to commend to your Consideration the abovesaid Statute, with that of the 11 of Hen. 7. Chap. 1.

Wherein it is declared, by the unanimous Assent of Parliament, *That the Subjects of this Realme are bound, by the Duty of Allegiance, to serve the King, for the time being, for the defence of his Person and the Land, against every Rebellion, Might, or Power raised against Him, and with His Majesty to enter or abide in Service, in Battaille, if cause so require. And it was therefore then enacted, That from thenceforth no person whatsoever that shall attend upon the King or be in place, by His command, within or without the Land, That for the same deed and true service of Allegiance, hee and they be no ways attaint or convicted of high Treason, or of other Offences for that Cause, by any Proceffe of Law, whereby he, or any of them shall lose or forfeit Lives, Lands, Tenements, Goods, or anything; but bee for that Deed and Service utterly discharged of any vexation, trouble, or losse; And if any Ait or Aits, or other Proceffe of Law thereupon for the same happen to be made contrary to this Ordinance, that then that Ait or Aits, or other Proceffe of the Law whatsoever they shall be, stand and be utterly void.*

All which, together with the Copies of Our Message and Petition (which We send here inclosed) VVe require you to publish to the Inhabitants, and all such Commanders and Souldiers as will heare them: That knowing both the Perill of the Law on the one side, and the security of such as shall adhere to Us on the other, they be not misled (through ignorance) to decline their Allegiance: and that the Souldiers may lay down their Arms, and admit Our entrance in a peaceable way. In so doing, you shall both discharge your duties, and those that shall have need be assured to find (upon such their submission) Our ready mercy and pardon. And VVee doe likewise require, and charge all you, the Inhabitants (as well Souldiers as others) upon your Allegiance, That you permit not any part of Our Magazine or munition to be removed or transported out of that Town under any pretence of Order or Power whatsoever, Without Our Royall Assent in writing under Our Hand. Assuring you, That it will be much more pleasing to Us to have Oeasion administred by the Fidelity of the Inhabitants to enlarge those Graces and Immunities granted to that Town by Our Predecessors, then to have any occasion to question your Charter.

Given at Our Court at York, the 25 of April, 1642.

His Majesties second Message to the Parliament, concerning
Sir *John Hothams* Refusal to give His Majestie
Entrance into His Town of *Hull*.

VVe are so much concerned in the undutifull affront (an indignity all Our good Subjects must disdain in Our behalfe) VVe received from Sir *John Hotham* at *Hull*, that VVe are impatient till VVe receive Justice from you; and are compelled to call again for an Answer, being confident (however you would be so carefull (though without Our consent) to put a Garrison into that Our Town, to secure it and Our Magazine against any attempt of the Papists) that you never intended to dispose and mayntain it against Us your Sovereigne: Therefore VVe require you forthwith (for the Businessse will admit no delay) That you take some speedy course, that Our said Town and Magazine be immediately delivered up unto Us, and that such severe exemplary proceedings be against those persons (who have offered Us this insupportable affront and injury) as by the Law is provided: And till this be done, Wee shall intend no Businessse whatsoever (other then the Businessse of *Ireland*) For if Wee are brought into a Condition so much worse then any of Our Subjects, that whilst you all enjoy your Priviledges, and may not have your Possessions disturbed, or your Titles questioned. Wee onely may be spoiled, thrown out of Our Towns and Our goods taken from Us; 'tis time to examine how Wee have lost those Priviledges, and to try all possible Ways, by the helpe of God, The Law of the Land, and The affection of Our good Subjects, to recover them, and vindicate Our Selfe from those Injuries. And if Wee shall miscarry herein, Wee shall be the first Prince of this Kingdome that hath done so; having no other end, but to defend *The true Protestant Profession*, *The Law of the Land*, and *The Liberty of the Subject*: And God so deal with Us, as Wee continue in those Resolutions.

Die Martis 26, April. 1642.

IT is Declared by the Lords and Commons in Parliament, That the stopping of the Passages between *Hull* and the Parliament, and the intercepting of Messengers imployed from the Parliament to *Hull*, or from any that are in the Service of the Parliament, or any Letters whatsoever sent by any to, or from the Parliament, is a high breach of the priviledges of Parliament which by the Laws of this Kingdom, and the Protestation, wee are bound to defend with Our Lives and Our Fortunes, and to bring the Violater thereof to condigne punishment.

And

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And hereby all Lords Lieutenants, and their Deputies authorised by the Ordinance of both Houses of Parliament, all Sheriffs, Justices, Majors, Bailiffs, Constables, and other Officers whatsoever, are required to give their uttermost Aid and Assistance to all that are employed in the said Service, for their better and more speedy free and safe passage: And to apprehend all such as by colour of any Warrant or other Authority whatsoever, shall endeavour or go about to hinder any that are employed about and them to apprehend, and in safe custody to send up to the Parliament.

Ordered by the Lords and Commons in Parliament, that this Declaration shall be forthwith Printed and published.

Jo. Brown Cler. Parl.

Die Martis 26, April. 1642.

Ordred by the Lords and Commons in Parliament, That the Sheriffs and Justices of the Peace of the Counties of *Yorke* and *Lincolne*, and all others His Majesties Officers shall suppress all Forces that shall be raised, or gathered together in those Counties either to force the said Town of *Hul*, to stop the passages to, and from the same, or in any other way to disturbe the peace of the Kingdom.

Ordred by the Lords and Commons in Parliament, That this Order shall be Printed and published forthwith.

John Brown Cler. Parl.

His Majesties Message to both Houses of Parliament,
April. 28. 1642. Concerning His Refusall to
pass the Bill for the Militia.

WE have with great deliberation & patience weighed & considered (it concerning Us much, to weigh the consequences of every Law before Wee passe it) your Bill lately sent to Us for the setting of the *Militia*, and though it hath not bin usual to give any Reason for Our Refusall to passe any Bill, (it being absolutely in Our power to pass or not pass any Act sent unto Us by you, if Wee conceive it prejudiciall to Our Self, or inconvenient for Our Subjects, for whom We are trusted, and must one day give an

account) Yet in this businesse of the *Militia*, which being misunderstood amongst Our good Subjects, hath bin used as an Argument, as if We were not vigilant enough for the Publike safety: And lest We should be thought lesse constant in Our Resolutions, and this Bill to be the same Wee sent unto you; Wee have thought fit to give you, and all the world particular satisfaction why We cannot, ought not, must not passe this Bill, being the first Publike Bill, to Our remembrance. We have refused this Parliament; And therefore We must complain. That having expressed Our self so cleerly and particularly to you in this point. you should presse any thing upon Us, which you could not but foresee that We must refuse, except Wee departed from those Resolutions, grounded upon so much Reason, Wee had so earnestly before acquainted you with, and against which you have not given one Argument to satisfie our Judgment.

We are pleased that you have declined the unwarrantable course of your Ordinance (to the Which We are confident Our good Subjects would never have yielded consent) and chosen this onely right way of imposing on Our People, which we would have allowed but for the reason hereafter mentioned.

We refused to consent to your Ordinance, as for other things, so for that the power was put into the persons nominated therein by direction of both Houses of Parliament, excluding Us from any Power in the Disposition or Execution of it together with you. We then advised you for many Reasons that a Bill should be prepared, and after in Our Answer of the 26 of *March* last to the Petition of both Houses, Wee told you if such a Bill should be prepared with that due regard to Us, and care of Our people in the limitation of the Power and other Circumstances, Wee should recede from nothing Wee formerly expressed. What passed (enough to have discouraged Us from being further Sollicitous in that Argument) after Our full and gracious Answers. Wee are content to forget. When We resolved of Our Journey into *Ireland* (so that by reason of Our absence there might be no want of settling that Power, besides complying with your Fears) We sent, together with a Message of that Our purpose, a Bill for the settling that Power for a year, hoping in that time to returne to you, and being sure that in much lesse time you might doe the businesse for which you seemed at first to desire this, which was, That you might securely consider Our Message of the 20 of *January* last. By that Bill We consented to those names you proposed in your Ordinance, and in the limitation of the Power provided that Our Self should not be able to Execute any thing but by your advice, and when We should be out of the Kingdom, the sole Execution to be in you; with many other things of so arbitrary and uncircumscribed a Power, that Wee should not have consented to, but with reference to the absence of Our own Person out of the Kingdom, and thought it the more sufferable,

ble, in respect the time was but for a yeere. Whether this be the Bill you have now sent Us to passe, let all the world judge.

You have by this Bill now rendred to Us, (without taking notice of Us) put the Power of the whole Kingdom, The Life and Liberties of the Subjects of all degrees and qualities, into the hands of particular men for two yeers. Can you imagine We will trust such an absolute Power in the hands of particular persons, which VVee refused to commit to both Houses of Parliament? Nay, is not the Power it selfe too absolute, too unlimited to be committed into any private hands? Hath not Sir *John Holt* high Insolencie shewed Us what VVee may expect from an exorbitant Legall Power, when hee, by a Power not warranted by Law, dares venture upon a Treasonable disobedience? But VVee would willingly know (and indeed such an account in ordinary Civility VVe might have expected) why VVee are by this Act absolutely excluded from any Power or Authority in the execution of this *Militia*. Sure your Fears and Jealousies are not of such a nature, as are capable of no other remedy, then by leaving Us no Power in a point of the greatest importance: in which God and the Law hath trusted Us solely; and which we were contented to share with you by Our Bill, by putting it and a greater into the hands of particular Subjects. VVhat would all Christian Princes think of us, after we had passed such a Bill? How would they value Our Sovereignty? And yet sure Our Reputation with Forreigne Princes is some ground of your security: Nay, wee are confident, by that time you have thorowly considered the possible consequence of the Bill upon your selves, and the rest of Our good Subjects, you and they will give us thanks for not consenting to it, finding their condition (had it passed) not to have bin so pleasing unto them. VVe hope this Animadversion will be no breach of your Priviledges in this throng of Businesse, and Distemper of Affections: 'Tis possible second thoughts may present somewhat to your considerations which escaped you before.

VVe passed this Parliament at your entreaty a Bill concerning the Captives of *Algiers*, and waved many Objections of Our own to the contrary, upon Information that the Businesse had bin many Moneths considered by you. VVwhether it prove sutable to your Intentions, or whether you have not by some private Orders suspended that Act of Parliament, upon view of the mistakings, you best know: As likewise what other great Alterations you have made in other Bills passed this Sessions. VVee cannot passe over the putting their names out of this Bill whom before you recommended to us in your Ordinance, it seems not thinking fit to trust those who would obey no Guide but the Law of the Land (VVee imagine you would not wish wee should in Our estimation of others follow that your Rule) and the leaving out by speciall provision the present Lord Major of *London*, as a person in your disfavour, whereas we must tell

tell you, his Demeanour hath bin such, that the Citie, and the whole Kingdom is beholding to him for his Example.

To conclude, we doe not finde Our Self possessed of such an excesse of Power, that it is fit to transerre, or consent it should be in other persons (as is directed by this Bill) and therefore wee shall relie upon that Royall Right and Jurisdiction which God and the Law hath given us, for the suppressing of Rebellion, and resisting Forreigne Invasion, which hath preserved this Kingdome in the time of all Our Ancestors, and which wee doubt not, but wee shall be able to execute; And not more for Our own Honour and Right, then for the Liberty and Safety of Our People, we cannot consent to passe this Bill.

FINIS.

The Declaration, Votes and Order of assistance of both Houses of Parliament, Concerning the Magazin at Hull, and Sir John Hotham, Governor thereof.

THe Lords and Commons in Parliament, finding just cause to fear, not onely the desperate designs of Papiſts, and others of the malignant party at home, but also the malice of Enemies incited by them from abroad, Thought it necessary for the safety of this Kingdome, to secure the Towne of Kingston upon Hull, being one of the most considerable places for strength, and affording the best conveniency for landing of Forreign Forces; And where a great part of the magazine of the Kingdom for that time was placed; And for that end appointed Sir John Hotham, one of the members of the House of Commons, being a Gentleman of the same County, of a considerable Fortune, and approved Integrity, to take upon him the Government of that Town, and to draw thither some of the Trained Band for the Guard thereof: In which apprehension and resolution thereupon taken, they are the more confirmed by the sight of some intercepted Letters of the Lord Digby, (a principall person of that party) written to the Queen and Sir Lewis Drives, whereby that party discovered an endeavour to perswade His Majesty to declare Himself, and retire into some place of safety in this Kingdom, in opposition to ways of Accommodation with His people; And to give the better opportunity to himself, and other dangerous persons to resort thither; which could have no other end but to incline His Majesty to take Arms against His Parliament and good Subjects, and miserably to embroil this Kingdom in Civill Wars.

About

About which time Captain *Leg* (a man formerly employed in the practice of bringing up the Army against the Parliament) had direction by Warrant produced by him, under the Kings hand and signe Manuall, to enter *Kingston* upon *Hull*, and to draw thither such of the Trained Bands as he should think fit: And that the Earl of *Newcastle* came thither in a suspicious way, and under a feigned name, and did endeavour to possesse himself of the said Town, by vertue of the like Warrant and Authority.

They further conceiving that the Magazine there being of so great importance to this Kingdom, would be more secure in the Tower of *London*, did humbly Petition His Majesty to give His consent the same might be removed, which notwithstanding His Majestie did refuse; And thereupon some few ill-affected persons about the City of *York*, took upon them the presumption, in opposition to the desires, and in contempt of both Houses, to Petition His Majesty to continue the Magazine at *Hull*, Alledging it to be for the safety of His Majestie (as if there could be a greater care in them of His Majesties Royall Person, then in His Parliament) And His Majesty, the next day after the delivery of that Petition, being the 23 of this instant *April*, took occasion thereupon to go to the Town of *Hull*, attended with about four hundred Horse (the Duke of *York*, and the Prince *Elect*or being gone thither the day before) and required Sir *John Hotham* to deliver up the Town into His hands: Who perceiving His Majestie to be accompanied with such Force as might have mastered the Garrison of the Town; And having received intelligence of an intention to deprive him of His life, in case the King should be admitted, informed His Majesty of the trust reposed in him by both Houses of Parliament, and that hee could not without breach of that trust let Him in; beseeching His Majestie to give him leave to send to the Parliament, to acquaint them with His Majesties commands, and to receive their directions thereupon, which he would do with all expedition. Which Answer His Majestie was not pleased to accept of; but presently caused him and his Officers to be proclaimed Traitors before the wals of the Towne, and thereupon dispatched a Message to both Houses, therein charging Sir *John Hotham* with high Treason, and aggravating his offence, because he pretended the Parliaments command: (In the meane while hindering him of all means of intelligence with the Parliament) For His Majestie immediately caused all passages to be stopped between him and them; And in pursuance of the same, one of his servants who was sent by him with Letters to the Parliament, to inform them of the truth of those proceedings, was apprehended, his Letters taken from him, and his person detained, whereby (contrary to the common liberty of every Subject) he was not onely deprived of means to clear himselfe of that heavy accusation, but of all ways of intercourse, either to receive directions from them that trusted him, or to informe them what had happened.

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The Lords and Commons finding the said proceedings to be a high violation of the Priviledges of Parliament, of which His Majesty had in severall Messages expressed himself to be so tender; A great infringement of the Liberty of the Subject, and the Law of the Land, which his Majestie had so often lately professed should be the rule to govern by, and tending to the endangering of His Majesties Person and the Kingdomes peace; Thought fit, as well for the vindication of their own Rights and Priviledges, the Indemnity of that worthy person imployed by them, as for the clearing of their own proceedings, to publish these ensuing Votes, which were made upon a former Relation that came from the King.

Die Iovis 28, April. 1642.

Resolved upon the Question.

THat Sir *John Hotham* Knight, according to this Relation, hath done nothing but in Obedience to the Command of both Houses of Parliament.

Resolved. &c. That this declaring of Sir *John Hotham* Traitor, being a Member of the House of Commons, is a high breach of the Priviledge of Parliament.

Resolved. &c. That this Declaring of Sir *John Hotham* Traitor without due proceffe of Law, is against the Liberty of the Subject, and against the Law of the Land.

The Order of Assistance given to the Committees of
both Houses, concerning their going to
Hull, April 28, 1642.

VHereas the Earle of *Stamford*, the Lord *Willoughby of Parham*, Sir *Edward Aycongh*, Sir *Christopher Wray*, Sir *Samuel Owfield*, and Master *Hatcher*, are by the Lords and Commons in Parliament assembled, commanded to make their repair into the Counties of *York* and *Lincoln*, and the Town of *Kingstone* upon *Hull*, for speciall service for His Majestie, and the peace and safety of the Kingdom, and accordingly have received particular Instructions for their better direction therein; These are to require all Lords Lieutenants, and their Deputies, Sheriffs, Justices of the Peace, Majors, Bailiffs, Constables, and all other His Majesties Officers and loving Subjects, to be aiding and assisting unto them upon all occasions, as need shall require.

His

His Majesties Answer to the Declaration, Votes, and Order
of Assistance of both Houses of Parliament, concern-
ing the Magazine at *Hull*, sent May 4. 1642.

SInce Our gracious Message of the 24. of April last, to both Houses of Parliament (demanding Justice for the high, and unheard of affront, offered unto Us at the Gates of *Hull* by Sir *John Horham*) is not thought worthy of an Answer; but that in stead thereof they have thought fit by their printed Votes of the 28. of April last, to own and avow that unparalleled Act of Sir *John Horhams*, to be done in obedience to the Command of both Houses of Parliament (though at that time he could produce no such Command) and with other Resolutions against Our Proceedings there, to publish a Declaration concerning that businesse, as an appeale to the People, and as if their intercourse with Us, and for our satisfaction, were now to no more purpose; though we knew this course of theirs to be very unagreeable to the Modestie and Dutie of former times, and unwarrantable by any Precedents but what themselves have made; yet We are not unwilling to joyne issue with them in this Way, and to let all the world know, how necessarie, just, and lawfull all Our Proceedings have been in this Point, and that the defence of these Proceedings is, The defence of the Law of the Land, Of the Libertie and Propertie of the Subject, and that by the same Rule of Justice, which is now offered to Us, all the private Interest and Title of all Our good Subjects to all their Lands and Goods are confounded and destroyed. Master *Pym* himselfe tels you, in his Speech against the Earle of *Strafford* (published by the Order of the House of Commons) *The Law is the Safeguard; The Custodie of all private Interests; your Honours, your Lives, your Liberties, and Estates, are all in the keeping of the Law; without this, every man hath alike right to any thing:* And We would faine be answered, what Title any Subject of Our Kingdome hath to his House or Land, that We have not to Our Towne of *Hull*? Or what right hath he to his Money, Plate, or Jewels, that We have not to Our Magazine or Munition there? If We had ever such a Title, We would know when We lost it. And if that Magazine and Munition (bought with Our own Money) were ever Ours; When, and how that Propertie went out of Us. We very well know the great and unlimited Power of a Parliament, but We know as well, that it is onely in that sense as We are a part of that Parliament. Without Us, and against Our Consent, the Votes of either, or both Houses together, must not, cannot, shall not (if We can help it, for Our Subjects sake as well as Our Own) forbid any thing that is enjoyed by the Law, or enjoyn any thing that is forbidden by

the Law ; But in any such alteration which may be for the peace and happi-
 nesse of the Kingdome, We have not, shall not refuse to consent : And We doubt
 not, but that all Our good Subjects will easily discern in what a miserable in-
 securitie and confusion they must necessarily and inevitably be, if Descents may
 be altered, Purchases avoided, Assurances and Conveyances cancelled, the So-
 veraigne Legall Authority despised and resisted, by Votes or Orders of either,
 or both Houses : And this We are sure is Our case at *Hull* ; And as it is Ours
 to day, by the same rule it may be theirs to morrow.

Against any desperate designs of the Papiſts, We have sufficiently expressed
 Our zeale and intentions, and shall be as forward to adventure Our own Life
 and Fortune to oppose any such Designs, as the meanest Subject in Our
 Kingdome.

For the Malignant Party, as the Law hath not to Our knowledge defined
 their condition, so hath neither House presented them to Us under such a Noti-
 on as We may well understand whom they intend, and We shall therefore on-
 ly enquire after, and avoid the Malignant Party under the Character of persons
 disaffected to the Peace and Government of the Kingdome, and such who (neg-
 lecting and despising the Law of the Land) have given themselves other Rules
 to walke by, and so dispensed with their Obedience to Authoritie : Of these
 persons (as destructive to the Common-wealth) Wee shall take all possible
 Caution.

Why any Letters intercepted from the Lord *Digby* (wherein he mentions a
 Retreat to a place of Safetie) should hinder Us from visiting our own Fort,
 and how We have opposed any wayes of Accommodation with our Parlia-
 ment, and what wayes and overtures have been offered in any way, or like a-
 ny desire of such Accommodation, or whether Our Message of the 20. of Janua-
 ry last (so often in vain pressed by Us) have not sufficiently expressed Our ear-
 nest desire of it, let all the world judge : Neither is it in the power of any per-
 sons to encline Us to take Armes against Our Parliament, and Our good Sub-
 jects, and miserably to imbroile this Kingdome in Civill Wars. We have gi-
 ven sufficient evidence to the world how much Our affections abhor, and our
 heart bleeds at the apprehension of a Civill war ; And let God and the world
 judge, if Our Care and Industry be onely to defend and protect The Liberty
 of the Subject, The Law of the Kingdome, Our owne just Rights (part of that
 Law) and Our Honour (much more precious then Our Life) and if in opposi-
 tion to these any Civill wars shall arise, upon whose Account the Blood and
 destruction that must follow must be cast : God, and Our owne conscience tels
 Us that We are cleare.

For Captain *Leggs* being sent heretofore to *Hull* (though by the way, this is
 the first time We ever heard that he was accused for the practice of bringing up
 the

the Army against the Parliament, neither doe We yet know that there is such a charge against him) or for the Earle of *Newcastles* being sent thither by Our Warrant and Authority, We asked a Question long agoe in Our Answer to both Houses concerning the Magazine at *Hull*, which We have cause to thinke is not easie to be answered: Why the generall rumour of the Designe of Papiſts in the Northerne parts, should not be thought sufficient ground for Us to put in such a person of Honour, Fortune and unblemished Reputation (as the Earle of *Newcastle* is known to be) into a Town and Fort of Our own, where our own Magazine lay; And yet the same Rumour be Warrant enough to commit the same Town & Fort without Our consent to the hands of Sir *John Hotham*, with such a Power as is now too well known and understood. How Our Refusall to have that Magazine removed upon the Petition of both Houses, could give an advantage against Us to have it taken from Us; And whether it was a refusall, all men will easily understand who read Our Answer to that Petition, to which it hath not been yet thought fit to make any Reply.

For the Condition of those persons who presented the Petition to Us at *York*, (whom that Declaration calls, *Some few ill affected persons about the City of York*) to continue the Magazine at *Hull*, We make no doubt but that Petition will appear to be Attested both in number and weight, by persons of Honour and integrity, and much more conversant with the Affections of the whole County, then most of those Petitions which have been received with so much Consent and Approbation: And for their presumption of interposing their advice, We the more wonder at that Exception, when such Encouragement hath been given, and thanks declared to multitudes of mean, unknowne People, Prentices and Porters, who have accompanied Petitions of very strange natures.

For the manner of Our going to *Hull*, We have clearly set forth the same in Our Message to both Houses of that Businesse; And for any intelligence given to Sir *John Hotham* of an Intention to deprive him of his life; as we know there was no such Intention in Us, having given him all possible assurance of the same at Our being there; so We are confident no such intelligence was given; Or if it were, it was by some villain, who had nothing but malice, or designe to fright him from his due Obedience, to warrant him. And Sir *John Hotham* had all the reason to assure himselfe, that his life would be in much more danger by refusing to admit his King into His owne Towne and Fort, then by yeelding Him that obedience, which he owed by his Oathes of Allegiance and Supremacie, and the Protestation, and he well knew was due and warrantable by the Laws of the Land.

For the number of Our Attendants (though that could be no Warrant for such a disobedience in a Subject) it is well known (as we expressed in Our

Message to both Houses, to which credit ought to have been given) that We offered to goe into the Town with twenty Horse onely; Our whole Train being unarmed: And whosoever thinks that too great an Attendance for Our Seife, and Our two Sons, have sure an Intention to bring Us to a meaner Retinue then they yet will avow.

Here then is Our Case (of which let all the world judge) We endeavoured to visit a Town & Fort of Our own wherein our own Magazine lay, a Subject in defiance of Us, shuts the Gates against Us, with armed men resists, denies and opposes Our Entrance, tells Us in plain terms, We shall not come in. We doe not pretend to understand much Law, yet in the point of Treason, We have had much Learning taught Us this Parliament, and if the sense of the Statute 25. E. 2. Cap. 2. be not very differing from the Letter, Sir *John Hothams* Act was no lesse then plaine high Treason: And We had been contemptibly stupid, if We had (after all those circumstances of Grace and Favour then shewed him) made any scruple to proclaim him Traitor: And whether he be so or no, if he shall render himselfe, We will require no other Triall, then that which the Law hath appointed to every Subject, and which We are confident Wee have not (in the least degree) in those proceedings violated, no more then We have done the Priviledge of Parliament by endeavouring in a just way to challenge Our own unquestionable Priviledges: for that in such a case, the declaring him Traitor, being a Member of the House of Commons, without Proesse of Law, should be a breach of Priviledge of Parliament (of which We are sure none extends to Treason, Felonie, or breach of the Peace) against the Liberty of the Subject, or against the Law of the Land, We must have other Reasons then bare Votes.

We would know if Sir *John Hotham* had (with those Forces by which hee kept Us out of Our Town of *Hull*) pursued Us to the gates of *Yorke* (which he might as legally have done) must We have staid from declaring him Traitor, till proesse of Law might have issued against him? Will feares and jealousies dispense with reall and necessary formes, and must We when actuall War is leavied upon Us, observe formes, which the Law it selfe doth not enioyn? The Cause is truly stated, let all the world judge (unlesse the meere Sitting of a Parliament doth suspend all Laws, and We are the onely Person in *England* against whom Treason cannot be committed) where the fault is: And whatsoever Course We shall be driven to for the Vindication of this Our Priviledge, and for the Recovery and maintenance of Our known and undoubted Rights, We doe promise in the presence of Almighty God, and as We hope for his blessing in Our successe, that we will to the utmost of Our Powers defend and maintain the true Protestant Profession, the Law of the Land, the Liberty of the Subject, and the just Priviledge and freedome of Parliament.

For

For the Order of Assistance given to the Committees of both Houses, concerning their going to *Hull*, We shall say no more but that those persons named in that Order, We presume will give no Commands, or Our good Subjects obey other, then what are warranted by the Law (how large and unlimited soever the directions are, or the Instructions may be) for to that rule We shall apply Our own Actions, and by it require an account from other men. And that all Our good Subjects may the better know their dutie in matters of this nature, We wish them carefully to peruse the Statute in the eleventh yeare of *H. 7.*
Chap. 1.

We conclude with Master *Pjms* own words: *If the Prerogative of the King overwhelm the liberty of the People, it will be turned to Tyranny; If Liberty undermine the Prerogative, it will grow into Anarchy.* And so We say into Conclusion.

Anno 11. Hen. 7. Cap. 1.

None that shall attend upon the King, and doe him true Service, shall be attainted, or forfeit any thing.

THe King our Sovereigne Lord calling to his remembrance the dutie of Allegiance of his Subjects of this his Realme, and that they by reason of the same are bound to serve their Prince and Sovereigne Lord, for the time being in his wars, for the defence of him and the Land, against every Rebellion, power, and might, reared against him, and wish him to enter and abide in service in battell, if case so require, and that for the same service, what fortune ever fall by chance in the same battell, against the minde and will of the Prince (as in this Land some time passed hath been scene) that it is not reasonable, but against all Laws, reason, and good conscience, that the said Subjects going with their Sovereigne Lord in wars, attending upon him in his person, or being in other places by his commandement within this Land or without, any thing should lose or forfeit for doing their true duty and service of Allegiance.

It be therefore Ordained, Enacted, and Established by the King our Sovereign Lord, by the advice and assent of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, and by Authority of the same, That from henceforth no manner of person, or persons whatsoever he or they be, that attend upon the King, and Sovereign Lord of his Land for the time being, in his person, and doe him true and faithfull service of Allegiance in the same, or be in other places by his Commandement in his Wars within this Land, or without: That for the said deed, and true duty of Allegiance, he, or they be in no wise convict or attaint of high Treason, ne of other offences for that cause, by Act of Parliament, or otherwise by any Proceffe of Law, whereby he or any of them shall lose or forfeit Life, Lands, Tenements, Rents, Possessions, Hereditaments, Goods, Chattels, or any other things: but to be for that deed and service utterly discharged of any vexation, trouble or losse. And if any Act, or Acts, or other Proceffe of the Law hereafter thereupon for the same happen to be made contrary to this Ordinance, that then that Act, or Acts, or other Proceffe of the Law, whatsoever they shall be, stand and be utterly void. Provided alway, that no person, or persons shall take any benefit, or advantage by this Act, which shall hereafter decline from his, or their said Allegiance.

F I N I S.

By

By the King.

A Proclamation concerning the true payment of Tonnage and Poundage.

WHereas in and by the last Act of this present PARLIAMENT concerning Tonnage and Poundage, (intituled, A Subsidie granted to the King of Tonnage, Poundage, and other sums of Money payable upon Merchandize Exported and Imported) it is Enacted, That the penaltie and forfeiture contained in an Act made in the first yeere of the Reign of His Maiesties late Royal Father King JAMES (intituled, A Subsidie granted to the King of Tonnage, Poundage, Woods, &c.) shall not ensue to any person or persons, for the Shipping or unshipping of any Goods or Merchandize, whereupon Tonnage, Poundage, or any sums of money are payable by the said last Act, untill notice shall be given of the said last Act, penaltie, and forfeiture, by Proclamation, where the said Goods are, or ought to be entred, unlesse after such notice they shall refuse to compound for such Goods and Merchandize.

His most Excellent Maiestie, lest any His loving Subjects or others (under pretence of ignorance) should forbear to pay the said Tonnage, Poundage, and other sums of money payable upon Merchandize or Goods either Exported or Imported, contrary to the tenour of the said last Act, and for the moze speedie publishing thereof, hath thought fit (by advice of His Parliament hereby to declare His Royall Will and pleasure to be, That all His loving Subjects, and others whom it shall or may concern, do take notice of the said last Act: And that they, and every of them, doe accordingly pay the said Tonnage, Poundage, and other summes of money, thereby laid, or imposed upon Merchandizes, or Goods, either Imported, or Exported, under the Pains and Penalties in the said last Act, and in the said Act made in the said first yeere of the reign of His Maiesties said late Father, or either of them provided, and expressed; And to be further punished according to the Law, for their Contempt of His Maiesties Royall Commandment herein.

And therefore His Maiestie doth hereby straightly charge and command as well all and every His Customers, Comptrollers, Collectors, Searchers, Waiters, and others the Officers and Ministers, in all and every His Maiesties Ports and Havens, and the Members thereof within His Kingdom of England, and Dominion of Wales, as all Justices of Peace, Mayors, Sheriffs, Bailiffs, Constables, Headboroughs, and other His Maiesties Officers, and Ministers, to whom it shall or may appertain, that they

they and every of them, in their severall Offices and Places respectively, do take care that all and every the Premises be fully executed and performed, according to His Majesties Royall Will and Pleasure herein declared, as they will answer the contrary at their uttermost perils,

Given at Our Court at York the second day of May, in the eighteenth yeer of Our Reign,

God save the King.

Die Martis 3 Maii 1642.

Ordere*d by the Lords and Commons in Parliament assembled; That the Persons intrusted with the ordering of the Militia of the City of London, shall have power to draw the Trained Bands of the City into such usuall and convenient places within three miles of the said City, as to them from time to time shall seeme fit, for the training and exercising of the Souldiers; and that the said Souldiers upon Summons shall from time to time appeare and not depart from their Colours without the consent of their Officers, as they will answer their contempt to the Parliament.*

Joh. Browne Cler. Parliam.

His Majesties Letter to the High Sheriffe of the County
of Yorke. May the fifth, 1642.

To Our trusty & welbeloved high Sheriffe of Our County of York.

TRusty and welbeloved, Wee greet you well: Whereas We understand, that Sir *John Hotham* takes upon him (without any legall authoritie or power) to issue Warrants to Constables, and other Our Officers, to raise divers of Our Trained Bands of this Our Country, and requires them to march with their Armes, and to come into Our Towne of *Hull*, where he hath disarmed divers of them, keeps their Armes and discharges the men, and whereas We are credibly informed, that divers persons, who were lately Collonels, Lieutenants-Collonels, Captaines, and Officers of the trained Bands of this our County, intend shortly to summon, and endeavour to muster the forces of this our County: For as much as by the Law of the Land, none of our trained Bands are to be raised or mustered, upon any pretence or authority whatsoever, but by speciall warrant under Our own hand, or by a Legall VVrit directed to the Sheriffe of the County, or by Warrant from the Lord Lievtenant, or Deputy-Lievtendants of the County, appointed and authorized by Commission

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under

under Our great Seale. And whereas at present there is no Lord Lievtenant or Deputie-Lievtenant legally authorized to command the forces and trained Bands of this Our Countie of *Yorke*, and the Commissions, Command, and Power of all Collonels, Lievtenant-Collonels, Captaines and Officers of Our Trained-Bands, (which were derived from the Commission and Power of the Lord-Lievtenant only) are now actually void, and of no force and authoritie. Our will and command therefore is, that you forthwith issue VVarrants under your hand, to all the late Collonels, Lievtenant-Collonels, Captaines and Officers, who (whiles the Lord Lievtenants Commission was in force) had the command of the Trained Bands of this our County: And also to all High and Petty Constables, and other Our Officers, in this Our County, whom it may concerne; charging and commanding them, and every of them, in Our Name, and upon their Allegiance, and as they tender the Peace of this our Kingdome, not to Muster, Leavie, or Raife, or to Summon, or VVarne (upon any pretence or Directions whatsoever) any of Our Trained Bands to Rise, Muster, or March, without expresse VVarrant under Our hand, or Warrant from you Our Sheriffe grounded upon a particular VVrit to that purpose; which VVe also Command you, not to put in Execution without Our Privy and Allowance, whiles We shall reside in this Our County. And in case any of Our Trained Bands shall rise, or gather together, contrary to this our Command, Then VVe will and command you to charge and require them, to dissolve, and retire to their dwellings. And if upon due Summons from you, they shall not lay downe their Armes, and depart to their dwellings; VVe will and command you, upon your Allegiance, and as you tender the peace and quiet of this Our Kingdome, to raife the Power of the County, and suppress them by force, as the Law hath directed and given you Power to do. And to the end that this our expresse Command may be notified to all Our good Subjects in this our County, so as none may pretend hereafter to have been misled through ignorance; VVe require you to cause these our Letters to be forthwith read, and published openly in all Churches and Parishes in this our Countie. Herein you may not faile, as you tender the safetie and honour of our Person, the good and peace of this Our Kingdome, and will answer the contrary at your perill. For which this shall be your sufficient Warrant.

*Given at Our Court at Yorke the fifth day of May, in the eighteenth yeere
of Our Reigne, &c.*

The

**The Declaration of the Lords and Commons in
Parliament assembled, Concerning His
Majesties severall Messages about
the MILITIA.**

THe Lords and Commons holding it necessary for the peace and safety of this Kingdom to settle the *Militia* thereof, did for that purpose prepare an Ordinance of Parliament, and with all humilitie did present the same to His Majestie for his Royall assent, Who notwithstanding the faithfull advice of his Parliament, and the severall Reasons offered by them of the necessity thereof, for the securing of his Majesties person, and the peace and safety of his people, did refuse to give his consent, and thereupon they were necessitated, in discharge of the trust reposed in them as the representative body of the Kingdom, to make an Ordinance by Authority of both Houses, to settle the *Militia* warranted thereunto by the fundamentall Laws of the Land: his Majesty taking notice thereof, did by severall Messages invite them to settle the same by Act of Parliament, affirming in his Majesties Message sent in Answer to the Petition of both Houses presented to his Majesty at *Torke*, *March 26*. That he always thought it necessary the same should be settled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the Preface, as a thing not standing with his honour to consent to, and that himself was excluded in the execution, and for a time unlimited: Whereupon the Lords and Commons being desirous to give his Majestie all satisfaction that might be, even to the least title of forme and circumstance; and when his Majestie was pleased to offer them a Bill ready drawne, did for no other cause then to manifest their hearty affection to comply with his Majesties desires and obtain his consent, entertain the same; and in the mean time no way declining their Ordinance, and to expresse their earnest zeal to correspond with his Majesties desire (in all things that might consist with the peace and safety of the Kingdom, and the trust reposed in them) did passe that Bill, and therein omitted the preamble inserted before the Ordinance, limited the time to lesse then two yeers, and confined the authority of the Lieutenants to these three particulars, namely Rebellion, Insurrection, and forraigne Invasion, and returned the same to his Majesty for his Royall assent. But all these expressions of affection and loyalty, all those desires and earnest endeavours to comply with his Majesty, hath (to their great grief and sorrow) produced no better effect then an absolute deniall, even of that which his Majesty by his former Messages, as wee

conceive, had promised; the advice of evill and wicked counsels; receiving still more credit with him, then that of his great Councell of Parliament, in a matter of so high importance, that the safety of his Kingdom, and the peace of his people depends upon it. But now what must be the exceptions to this Bill? not any sure, that was to the Ordinance; for a care was taken to give satisfaction in all these particulars. Then the exception was because that the disposing and execution thereof was referred to both Houses of Parliament, and his Majesty excluded: and now that by the Bill, the power and execution is ascertained, and reduced to particulars, and the Law of the Realme made the Rule thereof, his Majestie will not trust the persons. The power is too great, too unlimited to trust them with. But what is that power? Is it any other, but in-expresse terms to suppress Rebellion, Insurrection, and forreigne invasion? And who are those Persons? are they not such as were nominated by the great Councell of the Kingdom, and assented to by his Majestie? And is it too great a power to trust those persons with the suppression of Rebellion, Insurrection, and forraign Invasion? surely the most wicked of them that advised his Majesty to this Answer cannot suggest, but that it is necessary for the safety of his Majesties Royall Person and the peace of the Kingdome, such a power should be put in some hands. And there is no pretence of exception to the persons. His Majesty for the space of above fifteen yeers together, thought not a power far exceeding this to be too great to intrust particular persons with, to whose will the Lives and Liberties of his people by Martiall Laws were made subject, for such was the power given to Lord Lieutenants, and Deputy Lieutenants in every County of this Kingdom, and that without the consent of his people, or authority of Law. But now in case of extream necessity, upon the advice of both Houses of Parliament for no longer space then two yeers a lesser power, and that for the safety of King and people, is thought too great to trust particular persons with, though named by both Houses of Parliament, and approved of by his Majesty himself. And surely if there be a necessity to settle the *Militia* (which his Majesty was pleased to confesse) the persons cannot be intrusted with lesse power then this to have it all effectuell. And the Presidents of former Ages when there hapned a necessity to raise such a power, never straightned that power to a narrower compasse, witness the Commissions of *Array* in severall Kings Reignes, and often issued out by the consent and the authority of Parliament. The Lords and Commons therefore intrusted with the safety of the Kingdome, and peace of the people, (which they call God to witnesse is their onely ayme) finding themselves denied these their so necessary, and just demands, and that they can never be discharged before God or Man, if they should suffer the safety of the Kingdom and peace of the people to be exposed to the malice of the Malignant party

party at home, or the fury of enemies from abroad. And knowing no other way to encounter the imminent and approaching danger, but by putting the people into a fit posture of defence, doe resolve to put their said Ordinance in present execution, and doe require all persons in authority by vertue of the said Ordinance forthwith to put the same in execution, and all others to obey it, according to the fundamentall Laws of the Kingdome in such cases, as they tender the upholding of the true Protestant Religion, the safety of his Majesties person, and his Royall Posterity, the peace of the Kingdome, and the being of this Common-wealth.

Jovis 5 Maii, 1642.

Ordere*d by the Lords and Commons assembled in Parliamēt, That this Declaration shall be forthwith Printed and published.*

John Brown Cler. Parl.

His Majesties Answer, by way of Declaration, to a Printed Paper, intituled, *A Declaration of both Houses of Parliament, in Answer to His Majesties last Message concerning the Militia.*

WEe very well understand how much it is below the high and Royall dignity (wherein God hath placed Us) to take notice, much more to trouble Our Self with answering those many scandalous, seditious Pamphlets and Printed Papers, which are scattered with such great Licence thorowout the Kingdome (notwithstanding Our earnest desire, so often in vain pressed for a Reformation) though Wee finde it evident, That the mindes of many of Our weak Subjects have been, and still are poisoned by those means, and that so generall a terroure hath possessed the minds and heart of all men, that whiles the Presses swarm (and every day produceth new Tracts against the established Government of the Church and State) most men want the Courage or the Conscience to write, or the opportunity and encouragement to publish such composed sober Animadversions, as might either preserve the minds of Our good Subjects from such Infection, or restore and recover them when they are so infected: But we are contented to let Our Self fall to any Office that may undeceive Our People, and to take more pains this way by Our own Pen, then
ever

ever King hath done, when Wee find any thing that seemes to carry the reputation and authority of either, or both Houses of Parliament, and will not have the same refuted or disputed by common and vulgar Pens, till Wee are thorowly informed, whether those Acts have in truth that Countenance and Warrant they pretend. Which regard of Ours We doubt not but in time will recover that due reverence (the absence whereof Wee have too much reason to complain) to Our Person and Our Messages, which in all ages hath been paid (and no doubt is due) to the Crown of *England*.

We have therefore taken notice of a Printed Paper, intituled, *A Declaration of both Houses of Parliament*, in Answer to Our last Message concerning the *Militia*, published by command; The which Wee are unwilling to believe (both for the matter of it, the Expressions in it, and the Manner of publishing it) can result from the consent of both Houses; Neither do We know by what lawfull command such uncomely, irreverent mention of Us can be published to the World. And though Declarations of this kind have of late (with too much boldnesse) broken in upon Us and the whole Kingdom, when one, or both Houses have thought fit to communicate their Counsels and Resolutions to the People, yet We are unwilling to believe, that such a Declaration as this, should be published in Answer to Our Message, without vouchsafing at least to send it to Us as their Answer; Their businesse for which they are met by Our Writ and Authority, being to Counsell Us for the good of Our People, not to write against Us to Our People, and no consent of Ours for their long continuing together, inabling them to doe any thing, but what they were first summoned by Our Writ to doe. At least We will believe, though misunderstanding and jealousy (the Justice of God will overtake the Fomenters of that Jealousie, and the Promoters and Contrivers of that misunderstanding) might produce (to say no worse) those very untoward Expressions, that if those Houses had contrived that Declaration, as an Answer to Our Message, they would have vouchsafed some Answer to the Question proposed in Ours, which Wee professed, did and must evidently prevail over Our understanding; and in their wisdom and gravity they would have beene sure to have stated the matters of Fact, as (at least to ordinary understandings) might be unquestionable; Neither of which is done by that Declaration.

We desire to know why We were by that Act absolutely excluded from any Power or Authority in the execution of the *Militia*, and Wee must appeal to all the World, whether such an attempt be not a greater and juster ground for Feare and Jealousie in Us, then any one that is avowed for those destructive Fears and Jealousies, which are so publickly owned, almost to the ruine of the Kingdom. But We have been told that We must not be jealous of Our great Coun-

Councell of both Houses of Parliament. We are not, no more then they are of Us their King, and hitherto they have not avowed any jealousie of, or disaffection to Our Person; imputed all to Our evill Counsellours, to a Malignant party that are not of their minds: So We do (and We do it from our soule) professe no Jealousie of Our Parliament, but of some turbulent, seditious, and ambitious Natures, which (being not so cleerly discerned) may have an influence even upon the Actions of both Houses; And if this Declaration hath passed by such consent (which We are not willing to beleieve) it is not impossible but that the apprehension of such Tumults, which have driven Us from our City of *London* for the safetie of Our Person, may make such an impression in other men (not able to remove from the danger) to make them consent, or not to own a dissent in matters not agreeable to their conscience or understanding.

We mentioned in that Our Answer, Our dislike of the putting of their names out of the Bill whom before they recommended to Us in their pretended Ordinance, and the leaving out by speciall Provision the present Lord Major of *London*, to all which the Declaration affords no Answer, and therefore Wee cannot suppose it was intended for an Answer to that Our Message, which whosoever looks upon, will find to be in no degree answered by that Declaration.

But it informs all Our Subjects, after the mention with what humilitie the Ordinance was prepared and presented to Us (a matter very evident in the Petitions and Messages concerning it) and Our refusal to give Our consent, notwithstanding the severall reasons offered of the necessity thereof, for the securing of our Person, and the Peace and safety of Our People (whether any such Reasons were given, the weight of them, and whether they were not clearly and candidly answered by Us, the world will easily judge) that they were at last necessitated to make an Ordinance by Authority of both Houses, to settle the *Militia*, warranted thereunto by the Fundamentall Laws of the Land: But if that Declaration had indeed intended to have answered Us, it would have told Our good Subjects what those Fundamentall Laws of the Land are, and where to be found; And would at last have mentioned one Ordinance from the first beginning of Parliaments to this present Parliament, which endeavoured to impose any thing upon the Subject without the Kings consent; for of such, all the inquiry We can make could never produce Us one instance. And if there be such a secret of the Law, which hath lain hid from the beginning of the world to this time, and now is discovered to take away the just Legall Power of the King, We wish there be not some other secret (to be discovered when they please) for the ruine and destruction of the Liberty of the Subject: For no doubt, if the Words of both Houses have any such Authority to make a

new Law, it hath the same Authority to repeal the old, and then what will become of the long established Rights and Liberties of the King and Subject, and particularly of *Magna Charta*, will be easily discerned by the most ordinary understandings.

It is true, We did (out of the tendernesse of the Constitution of the Kingdom, and care of the Law, which We are bound to defend, and being most assured of the unjustifiableness of the pretended Ordinance) invite and desire both our Houses of Parliament to settle whatsoever should be fit of that nature, by Act of Parliament; But were We therefore obliged to passe whatsoever should be brought to Us of that kind? VVe did say in Our Answer to the Petition of both Houses, presented to Us at *York* the 26 of *March* last (and We have said the same in other Messages before) that VVe alwayes thought it necessary the businesse of the *Militia* should be settled, and that VVe never denied the thing, onely denied the way, and VVe say the same still, since the many Disputes, and Votes upon Lords Lieutenants, and their Commissions (which were begun by Us, or Our Father) had so discountenanced that Authority, which for many yeeres together was happily looked upon with Reverence and Obedience by the People; VVe did, and doe thinke it very necessary, that some wholesome Law be provided for that businesse; but we declared in Our Answer to the pretended Ordinance, VVe expected that that necessary Power should be first Invested in Us, before We consented to transfer it to other men: Neither could it ever be imagined, that We would consent that a greater Power should be in the hands of a Subject, then VVe were thought worthy to be trusted with Our Selfe; And if it shall not be thought fit to make a new Act, or Declaration in this point, VVe doubt not but VVe shall be able to grant such Commissions, which shall very Legally enable those VVe trust to doe all Offices for the Peace and Quiet of the Kingdome, if any Disturbance shall happen.

But that Declaration saith, VVe were pleased to offer them a Bill ready drawne, and that they (to expresse their earnest zeale to correspond with Our desire) did passe that Bill, yet all that expression of Affection and Loyaltie, all that earnest desire of theirs to comply with Us, produced no better effect then an absolute deniall, even of what by Our former Messages (as that Declaration conceives) VVe had promised; and so proceeds (under the pretence of mentioning evill and wicked Counsels) to censure and reproach Us in a Dialect, that VVe are confident Our good Subjects will read with much indignation on Our behalfe. But sure if that Declaration had passed the examination of both Houses of Parliament, they would never have affirmed that the Bil we refused to passe, was the same we sent to them, or have thought that Our Message, wherein the difference and contrarietie between the two Bills is so particularly set downe, would be answered with the bare averring them to be one and the same Bill;

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No more would they have declared (when Our exceptions to the Ordinance, and the Bill are so notoriously knowne to all Our people) that care being taken to give satisfaction in all the particulars We had excepted against in the Ordinance, We had found new exceptions to the Bill; And yet this very Declaration confesses, that Our exception to the Ordinance was, that in the disposing and execution thereof We were excluded. And was not this an expresse reason in Our Answer for our refusall of the Bill which this Declaration will needs confute? But the power was no other then to suppress Rebellion, Insurrection, and forreigne invasion, and the Persons trusted no other then such as were nominated by the great Councell of the Kingdome, and assented to by Us; and that Declaration asks if that be too great a Power to trust these persons with? Indeed whiles so great liberty is used in Voting and declaring men to be Enemies to the Common-wealth (an English phrase We scarcely understand) and in censuring men for their service and attendance upon Our Person, and in Our lawfull Commands, great heed must be taken into what hands We commit such a Power to suppress Insurrection and Rebellion. And if Insurrection and Rebellion have found other definitions then what the Law hath given them, We must be sure that no lawfull Power shall justifie those definitions; And if there be Learning found out to make Sir *John Hothams* taking Armes against Us, and keeping Our Town and Fort from Us, no Treason and Rebellion, We know not whether a new discovery may not find it Rebellion in Us, to defend our Selfe from such Armes, and to endeavour to recover what is so taken from Us: and therefore it concernes Us (till the known Law of the Land be allowed to be Judge between Us) to take heed into what hands VVe commit such Power: Besides, can it be thought, that because We are willing to trust certain persons, that we are obliged to trust them in whatsoever they are willing to be trusted? We say, no private hands are fit for such a Trust, neither have We departed from any thing (in the least degree) VVe offered or promised before, though VVe might with as much reason have withdrawn Our Trust from some Persons VVe before had accepted, as they did from others whom they recommended. For the Power which VVe are charged to have committed to particular Persons for the space of fifteene yeeres by our Commissions of Lieutenancy, it is notoriously known, that it was not a Power created by Us, but continued very many yeeres, and in the most happy times this Kingdome hath enjoyed (even those of Our renowned Predecessours *Queene Elizabeth*, and Our Father of happy memory) and what ever Authority was granted by those Commissions which were kept in the old forms, the same was determinable at Our pleasure, and VVe know not that they produced any of those Calamities which might give Our good Subjects cause to be so weary of them, as to run the hazard of so much mischief as that Bill we refused might possibly have produced.

For the Presidents of former ages in the Commissions of Array, We doubt not but when any such have issued out, that the King's consent was always obtained, and the Commissions determinable at His pleasure, and then what the extent of power was, will be nothing applicable to this Case of the Ordinance.

But whether that Declaration hath refused Our Reasons for Our refusal to passe the Bill or no, it hath resolved and required all Persons in authority thereby to put the Ordinance in present execution, and all others to obey it according to the fundamentall Lawes of the Land. But We whom God hath trusted to maintain and defend those fundamentall Lawes (which We hope He will blesse to secure Us) do declare that there is no legall power in either or both Houses, upon any pretence whatsoever, without Our consent, to command any part of the *Milizia* of this Kingdome, nor hath the like ever been commanded by either or both Houses since the first foundation of the Lawes of this Land; and that the execution of or the obedience to that pretended Ordinance is against the fundamentall Lawes of the Land, against the liberty of the Subject and the right of Parliaments, and a high crime in any that shall henceforth execute the same. And We do therefore charge and command all Our loving Subjects, of what degree or quality soever, upon their Allegiance, and as they tender the peace of this Kingdom, from henceforth not to Muster, Leavie or Array, or summon or warn any of Our Trained Bands, to Rise, Muster or March by vertue or under Colour of that pretended Ordinance: And to this Declaration and command of Ours, VVe expect and require a full submission and obedience from all Our loving Subjects upon their Allegiance, as they will answer the contrary at their perills, and as they tender the upholding of the true Protestant profession, the safety of Our Person, and Our Royall Posterity, the Peace and Being of this Kingdom.

FINIS.

An Order of the House of Parliament concerning the gathering in of the Pole-monyes.

Die Veneris, May 6. 1642.

Ordred that the Knights and Burgeses of every County be forth-with enjoyned to write unto the severall Sheriffs of every County, that they require all the Commissioners of their respective Counties, to make present return of all such Certificates of the Pole-mony, as have not yet bin returned according to the former Order of this House; and also be enjoyned to take into their Custody the severall Certificates of every severall County already returned, respects only, and so returning
the

the true state of them, and that where they find any Certificates not returned or defective, that they forth-with give notice unto the severall Commissioners of each County inhabiting within forty miles of this City, to make their returns by the last of this instant May, and all those beyond that distance by the twentieth of June next, and being so by them examined, that they take a speedy course to returne the same unto the Committee for Accompts and Pole-money at such time as they shall be required by the said Committee, who have agreed to call for them with all speed, and to digest them into forme, that so they may present them unto the House, and to begin with the City of London and Westminster, according to a former Order in that case. And it is further ordered that the Sheriffs of the severall Counties respectfully doe certifie into how many severall divisions, the Commissioners of the severall Counties did divide themselves within the Countes for the collecting of the Pole-money.

The most humble Answer of the Lords, and Commons in
Parliament, to two Messages from Your Sacred Ma-
jesty, concerning Sir John Hothams Refusall to give
Your Majesty Entrance into the towne of Hull.

Presented to his Majesty at York the ninth of May 1642

YOUR Majesty may be pleased to understand, That we Your great Councell, finding manifold Evidences of the wicked Counsells and Practices of some in neer trust and authority about You, to put the Kingdom into a combustion, by drawing Your Majesty into places of Strength, remote from Your Parliament, and by exciting Your people to commotions, under pretence of serving Your Majesty against Your Parliament; Lest this malignant Party, by the advantage of the Town and Magazine of Hull, should be enabled to go thorow with their mischievous Intentions, Did (in discharge of the great Trust that lies upon us, and by that power which in cases of this nature resides in us) command the Town of Hull to be secured by a Garrison of the adjoining Train Band, under the Government of Sir John Hotham, requiring him to keep the same for the service of Your Majesty and the Kingdom, wherein, we have done nothing contrary to Your Royall Sovereignty in that Town or Legall Propriety in the Magazine.

Vpon Consideration of Sir John Hothams proceeding at Your Majesties being there, we have upon very good Grounds adjudged, That he could not discharge the trust upon which, nor make good the End, for which he was

placed in the Guard of that Towne and Magazine, if hee had let in Your Majestie, with such Counsellours and Company as then were about You:

Wherefore upon full Resolution of both Houses, wee have declared Sir *John Hotham* to be Cleere from that Odious Crime of Treason, and have Avowed, That hee hath therein done nothing, but in obedience to the Commands of both Houses of Parliament, assuring our selves, That upon mature deliberation Your Majesty will not Interpret his Obedience to such Authority, to be an affront to Your Majesty, or to be of that Nature as to Require any Justice to be done upon him, or satisfaction to be made to Your Majestie: But that you will see just cause of joyning with Your Parliament, in Preserving and Securing the Peace of the Kingdom, suppressing this wicked and Malignant Party, who by false Colours and Pretensions of mayntaining Your Majesties Prerogative against the Parliament (wherein they fully agree with the Rebels in *Ireland*) have been the Causes of all our Distempers and Dangers.

For Prevention whereof, wee know no better Remedy, then setting the *Militia* of the Kingdome according to the Bill which wee have sent Your Majesty, without any intention of deserting or declining the Validity or observance of that Ordinance, which past both Houses upon Your Majesties former refusall: But we still hold that Ordinance to be effectually by the Laws of this Kingdom.

And we shall be exceeding glad, if Your Majestie by approving these our just, dutifull, and necessary Proceedings, shall be pleased to entertain such counsell, as wee assure our selves (by Gods blessing) will prove very advantageous for the honour and greatnesse of Your Majestie, the safety and peace of Your People; amongst which we know none more likely to produce such good effects, then a Declaration from Your Majestie of Your purpose to lay aside all thoughts of going into *Ireland*, and to make a speedy return into these parts, to be neer Your Parliament. Which as it is our most humble desire and earnest Petition, so shall it be seconded with our most dutifull Care for the safety of Your Royall Person, and constant prayers, that it may prove Honourable and successfull in the happinesse of Your Majestie, and all Your Kingdoms.

His

His Majesties Reply, to the answer of both Houses of
Parliament, Presented to His Majesty the ninth of *May*,
to two Messages sent to them from His Majesty
concerning Sir *Iohn Hothams* refusall to
give His Majesty Entrance into
His Town of *Hull*.

HIS Majesty was in good hope, that the reason why you so long deferred
your Answer to His Messages concerning *Hull*, was, That you might the
better give Him satisfaction therein, which now adds the more to His
Astonishment, finding this Answer (after so long Adviseement) to be of that na-
ture, which cannot but rather increase, then diminish the present Distractions,
if constantly adhered unto by the Parliament. Was it not too much that His
Majesties Town of *Hull* had a Garrison put into it, to the great charge of the
Country, and inconvenience to the poore Inhabitants, without His Majesties
Consent and Approbation, under colour at that time of Forreign Invasion and
apprehensions of the Popish parts; but now the Reasons thereof must be enlarg-
ed with a scandall to His Majesty and His faithfull servants, onely to bring in
the more s^eecious pretext for the avowing of Sir *Iohn Hothams* Treasonable in-
solency?

His Majesty hath often heard of the great trust that by God and Mans Law
is committed to the King, for the Defence and Safety of His People, but as yet
hath never understood what trust or power is committed to either or both hou-
ses of Parliament without the King; they being summoned to Counsell and
Advise the King; but by what Law or Authority they possesse themselves of
His Majesties proper right and inheritance, Hee is confident, that as they have
not, so they cannot shew.

His Majesty hitherto hath not given the least interruption to publike Justice;
but you rather then suffer one of your Members to come so much as to a Legall
Triall for the highest crime, will make use of an Order of Parliament to coun-
tenance Treason, by declaring him free from that guilt which all former Ages
never accounted other, and that without so much as enquiring the opinion of
the Judges: for His Majestie is confident that you would have mentioned
their opinion if you had asked the same.

Therefore His Majestie expects, That upon further and better consideration
of the great and necessary consequence of the Businesse of *Hull*, and seriously

weighing how much this doth concern the peace and quiet of the Kingdom, you will (without further instance from His Majestie) give him full and speedy Justice against Sir *John Horham*: And He leaves all His good People to think, what hope of Justice there is left for them, when you shall refuse or delay to give your owne Sovereigne satisfaction: And (as His Majestie hath already said) till this be done, He will intend no Business: whatsoever, other then that of *Ireland*.

And His Majestie likewise expects, That in the way you have expressed in this your Answer, you will not put the *Militia* in Execution, untill you can shew Him, by what Law you have Authority to do the same without His consent: Or, if you do, He is confident, That He shall find much more Obedience according to Law, then you against Law: And His Majestie shall esteeme all those that shall obey you therein, to be disturbers of the peace of the Kingdom, and in due time call them Legally to a strict account for the same.

As for *Ireland*, His Majesty refers you to his former Answer.

And lastly, concerning His Return, He never heard, That the Slandering of a Kings Government, and His faithfull Servants, The refusing of Him Justice in a case of Treason, And the seeking to take away His undoubted and Legall Authority, under the pretence of putting the Kingdome into a Posture of Defence, were Arguments to induce a King to come neere, or hearken to His Parliament.

FINIS.

His Majesties speech to the Gentry of the County of
York, attending his Majesty at the City of York,
on Thursday the twelfth of
May, 1642.

Gentlemen,

I Have cause of adding not altering, what I meant to say, when I gave out the Summons for this days appearance, I little thought of these Messengers, or of such a Message as they brought, the which, because it confirms mee in what I intend to speak, and that I desire you should be truly informed of all passages between me and the Parliament, you shall here read First, my Answer to the Declaration of both Houses concerning *Hull*, the Answer of the Parliament to my two Messages concerning *Hull*, together with my Reply to the same, and my Message to both Houses, declaring the Reasons why I refused to passe the Bill concerning the *Militia*.

All

All which being read his Majesty proceeded.

I Will make no paraphrases upon what yee have heard, it more befitting a Lawyer then a King. onely this observation. since Treason is countenanced so neere mee, it is time to looke to my safety: I avow, it was part of my wonder, that men (whom I thought heretofore discreet, and moderate) should have undertaken this employment, and that since they came (I having delivered them the Answer, you have heard and commanded them to returne personally with it to the Parliament) should have flatly disobeyed me upon pretence of the Parliaments command. My end in telling you this, is to warn you of them, for since these men have brought mee such a Message, and disobeyed so lawfull a Command. I will not say what their intent of staying here is, onely I bid you take heed, not knowing what doctrine of disobedience they may preach to you, under colour of obeying the Parliament. Hitherto I have found and kept you quiet, the enjoying of which was a chief cause of my coming hither (Tumults and Disorders having made mee leave the South) and not to make this a seat of War, as malice would (but I hope in vain) make you believe; Now if disturbances come, I know whom I have reason to suspect.

To be short, you see that my Magazine is going to be taken from me (being my owne proper goods) directly against my will; The *Militia* (against Law and my consent) is going to be put in Execution: And lastly, Sir *John Horham* Treason is countenanced; All this considered none can blame me to apprehend dangers. Therefore I have thought fit (upon these reall Grounds) to tell you, That I am resolved to have a Guard (the Parliament having had one all this while upon imaginary Jealousies,) onely to secure my person. In which I desire your concurrence and assistance, & that I may be able to protect you, the Laws, and the true Protestant profession from any Affront or Injury that may be offered, which I mean to maintain my self without charge to the Countrey, intending no longer to keep them on foot, then I shall be secured of my just Apprehensions by having satisfaction in the particulars before mentioned.

FINIS.

A Letter from the Right Honourable *Ferdinando Lord Fairfax*, Sir *Hugh Cholmley*, Sir *Philip Stapleton*, Sir *Henry Cholmley*, Committees of the Commons House of Parliament
residing at *York*.

SIR,

IN our last Letter we gave you an Accompt of our first and second wayting on the King, wee wrote to you then, that his Majesty commanded us to attend him yesterday being Thursday, to heare what hee said to the Gentlemen, Which a little before the meeting, hee seconded by a particular Message. Being come thither, his Majestie caused the severall Messages betweene him, and the Parliament, mentioned in this inclosed printed paper to be read.

This was done with much humming, and applause of the Kings Messages by some persons who had placed themselves neere about where the King stood. But when any thing from the Parliament came to bee read, with so much hissing, and reviling the Parliament, that though in respect, and duty to the Kings Person, we could not resent it, as otherwise wee should have done, yet have since expostulated, and complained of it to his Majesty. Some were so bold as to say openly, That the Parliament men should set their Houses in order, for many of them should shortly have their heads off; One of which (as since we are credibly informed) was one *Hurst*, a servant to one Master *William Crofts*. In this which was said by the King, you will see what reason we had to vindicate our selves, and therefore we immediatly repayred to the Deans house with all the other Gentlemen, and there we took notice of the rough usage we had received; We told them that it was neither indiscretion nor disobedience in us (as his Majestie was pleased to call it) to deliver the Parliaments Message, or to stay here though commanded to the contrary, since wee conceived no man needed to be satisfied in so cleer a case as this; That every Member of each House ought to obey their commands, when they were pleased to employ them. But since his Majestie thought fit to bid them, take heed of us, not knowing what doctrine of disobedience we might preach to them under colour of obeying the Parliament, we appealed to every man, whether wee had in word or deed, in publike or in private, done any thing that became not honest men, and persons employed from the Parliament. That wee had communicated our Instructions to his Majesty, being that we would avow all our Actions, and that we were confident it would not be said, wee had transgressed them. This was
very

very well taken and justified by the Countrey. Yesterday there came divers thousands of Freeholders to this City, though none but the Gentry were summoned, but receiving a Command from the King not to come to Court they forbore, and stayed in the Castle yard, yet sent this Petition enclosed to his Majesty, and received the Answer annexed thereunto. There was likewise a Committee of twelve Gentlemen appointed yesternight to consider of drawing up an Answer to the Kings proposition concerning a Guard, but nothing could be then done, because it was past three a clock before the Gentlemen were admitted to the King. This morning the Freeholders assembled againe in the Castle-yard, and there they made this Protestation enclosed, of their right of voting in what concerneth the peace of the Countrey, as having their interest therein.

When we all met this morning againe at the Deans House, we who are your Committees received this Message by Sir *Edward Stanhop*, That hee came from his Majesty to command us that we should depart from this meeting, and if we did stay, his Ma. would judge us guilty of that hespake on yesterday, which was Tampering. Notwithstanding which Command, we read the fourth Article of our Instructions to the whole Company, that being pertinent to the busines we were then upon, and desired them to consider, whether the Parliament had not expressed therein such a care of the Kings safety, that there would be little need of Guards: We told them that we had a good right of being there as Freeholders of the Countrey, but that in obedience to the King wee would depart for this time: But whensoever there should be occasion of our being there in pursuance of our Instructions and Commands from the Parliament, wee should be ready. The whole company received great satisfaction, and desired a Copy of that Instruction which wee gave them. Wee were the more willing at that time to goe from thence, because wee should not onely give obedience to the Kings Command, which otherwise he would have said, wee constantly disobeyed, but because the Committee of Twelve appointed yesternight were then to withdraw, so that there was nothing for the present for us to do; We immediately went to the King, and besought him that since we were continually so discountenanced by him, in the face of our Countrey, that hee would be pleased to let us know in particular wherein we had given the occasion, for wee otherwise conceived wee were deprived of that Liberty, which was our due in respect of that Interest we had here. His Majesty was pleased to tell us, that if wee would lay aside that condition of Committees from the Parliament, hee would not hinder us to be there as Gentlemen of the Countrey; We humbly replied, that we could not lay that down, nor could wee be absent from any meeting where our presence was required for the service, as Committees from the Parliament: to which his Majesty said, That indeed he thought we could not lay it down, neither that it was reasonable we should have Votes, and be in a double Capacity. The Com-

mittee hath been together most part of this day, but not agreeing: Six of them have drawn up this Answer enclosed, which they have communicated to the Gentlemen, & Freeholders. The greater part of the Gentlemen, and all the Freeholders have agreed too, and subscribed it. The other six have concluded upon this other Answer, consenting to a Guard of Horse, but this, we doe not heare, that they have gotten many names too, nor can wee get a Copy of those names as yet, though these be very few, yet whether they can bring in any Horse or no, we cannot yet judge. The King hath received both these resolutions, which with his Answers to them, you shall likewise have here inclosed. His Majesty had declared himself yesterday, that he would raise that Regiment, which was *Sir Robert Stricklands* for his foot Guard but hee hath now laid aside that Resolution. The Freeholders of the County are now newly summoned to attend his Majesty about a week hence the three Ridings upon three severall days, but for what service we doe not know?

Sir, you have here a large Narrative of the passages at this meeting; what dangers this poore Countrey lyes under, we humbly refer it to you to judge not taking upon us to deliver any opinion. The businesse lasted so long, that it hindered us from giving a more speedy accompt. Sir, This is what at this time is sent from,

Tork 13 Maii
1642.

Your assured friends and servants,

Fer. Fairfax, Hu. Cholmley, Philip Stapleton, Hen. Cholmley.

To the Kings most Excellent Majesty.

VVE Knights and Gentlemen whose names are subscribed doe unanimously present this our Answer to your Majesties propositions concerning the raising of a Guard of Horse for the security and defence of your sacred person.

To which proposition wee, as we conceive our selves bound by Allegiance, do willingly concur. For that purpose humbly desiring that the aforesaid may be raised by legall Authority: And likewise that it may consist of persons unquestionable in their Religion, and Gentlemen.

The substance of His Majesties Answer.

His Majesty gave them thanks, for it appeared as a satisfactory answer, and in it they had shewed great circumspection and wisdom, by choosing such whose Loyalties could not be questioned, by excluding Recusants and all suspected to be disaffected.

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The Answer to His Majesties Propositions, of the Gentlemen and Freeholders which subscribed the same at the Deans House, where the Sheriff was.

May it please your most Sacred Majestie,

THe Propositions delivered to us yesterday from your Majestie are of so high concernment to the Weale and peace of the whole Kingdome, and doth so neerly touch upon the affection and fidelity of all your Subjects in generall, as wee being but a part of one County onely, do not conceive it safe for us to advise therein, but rather humbly to beseech your Majesty to impart the grounds of your Majesties feares and jealousies to your High Court of Parliament (of whose most loyall care and affection to your Majesties honour and safety, and the prosperity of your Subjects and Dominions we are most confident) and whatsoever shall be advised by your great Counsell therein, we shall most willingly embrace and give our concurrence and assistance to it as shall become us, In whose fidelity and affection your Majesty hath often declared especiall trust; And albeit wee doe not presume to advise your Majesty in that particular being of transcendent consequence, nevertheless in the behalf of those Members of Parliament lately employed to attend your Majesty from both Houses, being all of them Gentlemen of quality and estate in this County and trusted to serve in that most Honourable Assembly; Wee humbly crave your Majesties leave to expresse our Confidence in their unstained Loyalty and affection to your Majesty to be such as your Majesty may securely admit their attendance to negotiate their employments, untill they be recalled by the Parliament: And for their fidelity, we do all engage our selves to your Majestie, and we are most assured that your Royall person shall be secure in the generall fidelity of your Subjects of this County without any extraordinary Guard.

His Majesties Answer to this returned by the Sheriff.

His Majestie expects the like affection from you that hee doth from the other Gentlemen, and that hee hath the same confidence in you, that he hath in the others.

To the Kings most Excellent Majesty :

The humble Petition of many thousands of Your Majesties peaceably affected subjects of the County of YORK.

Humbly sheweth,

THat many of your Petitioners being in their late desires of petitioning your Majesty, denied access, kept back with violence, and receiving great affronts from some that have dependancy on your Majesty and others there assembled, yet no provocation could remove them from their patience and duty, which proceedings are taken more to heart, your Petitioners conceiving at undeniable that they have an Interest in the Common-wealth, and are as dutifull and loyall Subjects to your Majesty as whomsoever, though divers of them have bin since uncivilly prest by some in your Majesties name to subscribe a paper styled the Humble Answer to your Majesties Propositions, and threatened thereto, upon which blows followed, and that when your Majesties Army should be on foot, those should be first pillaged that refused such subscription, which we humbly conceive are positively contrary to your Majesties own expressions, and is to the high dishonour of your Majesty, and the great affrightment, and disturbance of your Majesties liege people. Therefore your Petitioners having too just cause to fear your Majesties Royall heart is still endangered to be possessed with some distaste of your Petitioners, humbly supplicate your Majestie, to conceive better things of them, and to cast your eye upon the present state of this your Kingdom, that as your Majesty hath often declared your affection to this County, so now your love might be expressed in preserving the peace thereof, and that your Majestie would admit of a right Information of the cleere intentions of your Petitioners who are confident, that no so absolute, and hearty observance to your Majesties just Commands can be demonstrated as what your Majesty in Parliament shall declare, which if it become divided (as God forbid) our hearts even tremble to consider the dangers and diminution of the honour, and safety of your Majesties posterity, and Kingdoms will unavoidably be put upon; since it is cleere to every understanding, that it is not a divided part of one, or severall Counties that can afford that honour, and safety to your Majesty as the whole Kingdom, which you may command, on ground or feare of danger remayning, if a good Confidence were begot betwixt your Majesty and Parliament, whose grave, and loyall Counsels are as

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we humbly conceive the visible way under God to put a speedy end to the troubles of *Ireland*, and establish your Throne in righteousness. And lastly your Petitioners doe most humbly supplicate that we may represent our unfitness to become Judges betwixt your Majesty and Parliament in any thing, or dispute the Authority of either, which they humbly conceive do fortifie each other, it being most unfit for them to act any thing therein, but by their prayers for a right understanding between your Majesty and them, which we shall heartily doe, as also for your Majesties long and prosperous Reigne, and as we are bound by our late Protestation shall be ready to mayntaine your Majesties Just Rights, the Priviledges and Power of Parliament, and the lawfull Liberties of the Subjects.

The Kings Answer to the Petition of the Country at
the Court at *York*, May 13, 1642.

His Majestie,

HAVING with some care considered this Petition, being the first of this nature that hath bin presented to him, wherein any appearing well affected to his service (though hee hath heard of many in the Contrary) have misdeameaned themselves, hath commanded me to give you this Answer.

That he doth totally discover proceedings complained of in the Petition, and expects that you and all others his Loyall Subjects shal rest satisfied with his severall Gracious Declarations and constant peaceable practice towards his people to the contrary, and for further assurance upon just proof made against any man who hath committed any violence in words or actions (without iust provocation) full reparation shall be given to the parties injured, As for the rest of this Petition, his Majesty saith, that it is so confused that he doth not well know what positive Answer to give it. And the rather because it is grounded upon misinformation, both of his Majesties proceedings and intentions, as in particular his Majesty saith, he never intended to have you to be Judges betwixt him and his Parliament. And for the other part of this Petition he refers to his Messages, Declarations, and Answers, whereby it will cleerly appeare that his desire and intention is onely the preserving of the true Protestant profession, the Laws of the Land, the liberty of his people, the peace of the Kingdome: And the peace of this County in particular.

The Protestation of Freeholders. May 13. 1642.

VV Hereas his Majestie hath been pleased to give Summons to the Countie of this Countie to Attend him at his Court at *York* the Twelfth of *May* instant, to advise with him in some particulars, concerning the honour, and safetie of his Majesties Person, and the well being and peace of this our Countie; and in the said summons was pleased to omit the Freeholders of this Countie, out of a tender respect of putting them to any extraordinarie charge, yet we conscious of our sincere loyaltie to his Majestie our Gracious Sovereigne, and conceaving our selves according to the proportions of our estates, equally interested in the common good of the Countie, did take boldnesse to come in person to *York*, and were ready to attend his Majesties pleasure there. And wheareas his Majestie was pleased then to propound severall things to the purpose aforesaid, at the meeing of the Countie, to consider a fit answer to returne to his Majestie thereupon, the doores of the meeting house were shut against us, we utterly excluded, and in our absence a Referree of Knights and Gentlemen chosen without our knowledge or consent to draw up the said Answer. We the Free-holders who petitioned his Majestie the day above-said, conceaving our selves abundantly injured in the election (not knowing any warrant by Writ or otherwise for the same) of the said Referree, and that we ought not however to be concluded by any resolution of theirs without our assent in their Election; doe absolutely protest and declare against the said Election: and as farre as concernes us disavow whatsoever shall be the result of their consultation thereupon, and doe desire, a new and faire election of a Referree may be made, we admitted to our free Votes in the same, and some one or more to be nominated by us, allowed to deliver our sence for us at another meeting: And that we shall not make good in the least respect any thing whatsoever, which shall otherwise be concluded upon.

The Votes of the Parliament Die Iovis xij May 1642.

Resolved upon the Question,

That this House doth declare that if any person whatsoever shall arrest, or imprison the persons of the Lords and Gentlemen, or any of them: or any other of the Members of either House of Parliament that shall be employed in the service of both Houses of Parliament, or shall offer violence to them, or any of them for doing any thing in pursuance of the Commands or Instructions of both Houses shall be held disturbers of the proceedings of Parliament, and publick enemies of the State: And that all persons are bound by their protestation

prosecution to endeavour to bring them to condigne Punishment.

Resolved, &c. That this House doth declare that those of the City of London, and all other persons that have obeyed the Ordinance for the *Militia*, and done any thing in execution thereof, have done according to the Law of the Land, and in pursuance of what they were commanded by both houses of Parliament, and for the defence and safety of the King and Kingdom, and shall have the assistance of both Houses of Parliament against any that shall presume to question them for yielding their obedience unto the said Commands in this necessary and important service. And that whosoever shall obey the said Ordinance for the time to come shall receive the same approbation and assistance from both Houses of Parliament.

Resolved &c. That this House doth declare that they are resolved to maintain those Lords and Gentlemen in those things they have done and shall further doe in the obedience of their Commands, for the preserving the peace of the Kingdom.

Ordere*d* that a Message be sent to the Lords to desire them that the Committees may meet and prepare a speedy answer to this Message of his Majesties and perfect the Answer to his Majesties Last Messages and to prepare a Letter of thanks to the Committees at York, and to let them know therein, that they will make their case their owne, and maintaine them in what they shall doe in obedience of their Commands, and that a Letter to the same purpose be sent to the Committees at Hull, and the Votes agreed upon by the Lords and Commons enclosed, and to acquaint them with the agreement of this House in the Votes sent from their Lordships, and to desire that the Lords would forthwith issue their Commissions into all parts of the Kingdom, and appoint a day certaine when the Trained bands of the Counties adjacent may be exercised according to the Ordinance of Parliament, and another day for the Counties more remote and that some members may be sent into the severall Counties to see the Ordinance performed.

By the King.

Vhereas, upon Summons from Us, divers Gentlemen of this our County of York did attend Us upon Thursday the twelfth of this instant May, when Wee declared Our Resolution (for the Reasons then delivered by Us) to have a Guard to secure and defend Our Person, and desired therein the Concurrence and Assistance of the Sentry of this County. And whereas divers Gentlemen of this County, for many Reasons and Occasions could not then appeare to receive Our pleasure on that behalfe

behalf whereunto others have subscribed. We have therefore thought good hereby to give notice as wel to those Gentlemen who were not then present, as to those who did then attend Us, that Our Command is, That as wel those Gentlemen who are charged with Horse, as others, appeare at Yorke upon Friday the twentieth of this Moneth, in such manner and equipage as will be convenient for the guard of our person. And we require and command, That in the interim no other warrants, Order, or Command whatsoever shall distract or hinder this Our service. And we further will and command, That this Our Order be forthwith published by the Sheriffe of this Our County: For which this shall be sufficient warrant.

Given at Our Court at York, the fourteenth day of May, in the eighteenth Yeere of Our Reign, 1642

His Majesties Letter to the Gentry of Yorkshire, May the sixteenth, 1642.

To Our right trusty and well beloved the Gentry of Yorke, and others of this our County of York, whom it doth or may concerne.

WE have with great contentment considered your dutifull and affectionate *Answer* to our Proposition concerning the unsufferable affront which We received at *Hull*; Wee have not been deceived in that confidence we had in your affection, wherefore We desire you to assure the rest of your Countrey-men, who through negligence were omitted to be summoned: that Wee shall never abuse your love by any power wherewith God shall enable Us to the least violation of the least of your Liberties, or the diminution of those Immunities which We have granted you this Parliament, though they be beyond the Acts of most (if not all) Our Predecessours; being resolved with a constant and firme resolution to have the Law of this Land duly observed, and shall endeavour only so to preserve Our just Royall Rights, as may enable Us to protect our Kingdome and people, according to the ancient Honours of the Kings of *England*, and according to the trust which by the law of God and this Land is put into the Crowne, being sufficiently warned by the late affront at *Hull*, not to transerre the same out of our power; concerning which *Affront* we will take sometime to *Advise*, which way we may usefully *employ your affections*, In the mean time Wee shall take it well from all such as shall personally attend Us, *so followed and provided*, as they shall thinke fit for the better safety of Our Person, because Wee know

know not what sudden violence, or assault may be offered unto Us, having lately received such an actuall testimonie of rebellious intentions as Sir John Harham hath expressed at Hull: Being thus secured by your affections and assistance, We promise you Our protection against any contrary power whatsoever. And that you shall not be molested for your humble and modest Petition, as of late you have been threatned.

Given at Our Court at York, May the 16. 1642.

Die Martis, 17. Maii. 1642.

THe Lords and Commons in Parliament doe declare, That it is against the Lawes and Liberties of the Kingdome, That any of the Subjects thereof, should bee commanded by the King to attend Him at His pleasure; but such as are bound thereto by speciall Service; And that whosoever upon pretence of his Majesties Command shall take Arms, and gather together with others, in a Warlike manner, to the terrour of the Kings People shall be esteemed disturbers of the publicke peace, and to do that which may introduce a president of very dangerous consequence for the future, and produce most mischievous effects for the present, Considering the great distempers of the Kingdome, and what pernicious Counsellours, and Incendiaries, are now about the King, and how desperate and ill affected divers persons, attending upon His Majestie, have shewed themselves to the Parliament, and to His other good Subjects, threatening and reproaching them publicly, even in His Majesties presence, and for preventing, and avoiding such great mischiefs as may thereupon ensue.

It is Ordered and Ordained by both Houses of Parliament, That if the Trained-Bands, or any other His Majesties Subjects, shall upon pretence of any such command be drawn together, and put into a posture of Warre, the Sheriff of that County where there shall be such raising, or drawing together of Armed men; Doe forthwith raise the power of the County to suppress the same, and to keep His Majesties Peace according to Law. And that the Lord Lieutenants, Deputy-Lieutenants, Justices of the Peace, and all other His Majesties Subjects, be ayding and assisting to the severall and respective Sheriffs in performance hereof, as they will answer the contrary at their perill.

Hen. Elsing, Cler. Parl. D. Com.

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Die Martis, 17. Maii. 1642.

VV Hereas the Lords in Parliament, have this day been Informed, That the King is resolved to adjourn the next Terme from *Westminster* to *Yorke*; Upon which, The Lords sent a Committee to the Lord Keeper of the great Seale of *England*, to know of him, whether hee had received any command touching the same, who acquainted the said Committee, That he had received command from His Majestie, to issue Proclamations, and Writs, to that purpose.

Whereupon, This House taking the said matter into consideration, hath Voted; That the Kings removall of the Terme to *Yorke*, from *Westminster*, siting this Parliament, is Illegall.

And hath further ordered, That the said Lord Keeper, shall not issue out any Writs, or Seale any Proclamation, for adjourning the said next Terme from *Westminster* to *Yorke* as afore said.

Ioh. Brown, Cleric. Parl.

Die Martis, 17. Maii, 1642.

Severall Votes of Parliament, concerning Serjeant Major Generall Skippon.

Resolved upon the Question.

That this command of His Majestie to call Captain *Philip Skippon*, Sergeant Major Generall of the Forces of *London*, to attend His Majesties Person at *Yorke*, is against the Law of the Land and the liberty of the Subject.

Resolved, &c. That this command of His Majestie, to call Captain *Philip Skippon*, Sergeant Major Generall of the Forces of *London*, to attend His Majesties Person, being employed by both Houses to attend their Service, without their consent, is against the priviledge of Parliament.

Resolved &c. That Captain *Philip Skippon*, Sergeant Major Generall of the Forces of *London*, shall continue to attend the Service of both Houses, according to their former commands.

Hen. Elsing, Cler. Parl. D. Com.

Die Martis, 20. Maii. 1642.

It is this day Ordered by the Lords and Commons in Parliament assembled, That the Magazines of the severall Counties in *England*, (and *Wales*, shall be forthwith put into the power of the Lord Lieutenants of the said Counties, respectively, (being such as the Parliament doth confide in) for the Service and safety of His Majesty and the Kingdom.

Ordered by the Lords in Parliament, That this Order shall be Printed and Published

Ioh. Brown, Cler. Parl.

The

The Declaration or Remonstrance of the Lords and
Commons, in Parliament assembled.

MAY 19, 1642.

With divers Depositions and Letters there-
unto annexed.

THe infinite mercy, and providence of the Almighty God hath bin abundantly manifested since the beginning of this Parliament, in great variety of protections and blessings; whereby hee hath not onely delivered us from many wicked Plots, and Designes, which if they had taken effect would have brought ruine, and destruction upon this Kingdome; but out of those attempts hath produced divers evident, and remarkable advantages to the furtherance of those services, which wee have been desirous to performe to our Sovereigne Lord the King, and to this Church and State in providing for the publike peace, and prosperity of his Majestie, and all his Realmes: which in the presence of the same All-seeing Deity, we protest to have been, and still to be the onely end of all our counsels and endeavours, wherein wee have resolved to continue freed, and enlarged from all private aymes, personall respects or passions whatsoever.

In which resolution we are nothing discouraged, although the heads of the Malignant party disappointed of that prey, the Religion and Liberty of this Kingdome, which they were ready to seize upon, and devoure before the beginning of this Parliament, have still persisted by new practices, both of force and subtilty, to recover the same again: for which purpose they have made severall attempts for the bringing up of the Army; they afterwards projected the false accusation of the Lord *Kimbolton*, and the five Members of the House of Commons, which being in it selfe of an odious nature, they yet so far prevailed with his Majestie as to procure him to take it upon himselfe, but when the unchangeable duty and faithfulnessse of the Parliament could not be wrought upon by such a fact as that, to withdraw any part of their reverence and obedience from his Majestie, they have with much art, and industry advised his Majestie to suffer divers unjust scandals, and imputations upon the Parliament, to be published in his name, whereby they might make it odious to the people, and by their help to destroy that, which hitherto hath been the onely means of their own preservation.

For this purpose they have drawne his Majestie into the Northerne parts far

from the Parliament, that so false Rumours might have time to get credit, and the just defences of the Parliament finde a more tedious, difficult and disadvantageous access, after those false imputations and Slanders had bin first rooted in the apprehension of his Majestie, and his Subjects, which the more speedily to effect, they have caused a Presse to be transported to *Torke*, from whence severall papers, and writings of that kinde are conveyed to all parts of the Kingdom, without the authority of the great Seale, in an unusuall and illegall manner, and without the advice of his Majesties Privy Counsell; from the greater, and better part whereof having withdrawne himselfe aswell as from his great Counsell of Parliament, hee is thereby exposed to the wicked and unfaithfull counsels of such as have made the wisdom, and justice of the Parliament dangerous to themselves, and this danger they labour to prevent by hiding their own guilt under the name and shadow of the King: insinuating into him their own fears, and as much as in them lies, aspersing his Royall Person and honour with their own infamy, from both which it hath alwayes beene as much the care as it is the duty of the Parliament to preserve his Majestie, and to fix the guilt of all evill actions and counsels, upon those who have been the Authours of them.

Amongst divers Writings of this kind, we the Lords and Commons in Parliament, have taken into our consideration two Printed Papers; the first containing a Declaration which they received from his Majesty in answer of that, which was presented to his Majesty from both Houses of Parliament at *Newmarket* the 9 of *March* 1641. The other his Ma. Answer to the Petition of both houses presented to his Ma. at *Torke*, the 26 of *March* 1642. Both which are filled with harsh censures, and causelesse charges upon the Parliament concerning which we hold it necessary to give satisfaction to the Kingdom, seeing we find it very difficult to satisfie his Majesty, who to our great griefe, wee have found to be so engaged to, and possessed by those misapprehensions which evill Counsellors have wrought in him, that our most humble and faithfull Remonstrances, have rather irritated and embittered, then any thing allayed or mitigated the sharpe expressions which his Majesty hath beene pleased to make in answer unto them, for the manifestation whereof, and of our owne innocency, we desire that all his Majesties loving Subjects may take notice of these particulars.

We know no occasion given by us which might move his Majesty to tell us that in our Declaration presented at *Newmarket*, there were some expressions different from the usuall language to Princes.

Neither did wee tell his Majesty either in words or in effect, that if hee did not joyn with us, in an Act which his Majesty conceived might prove prejudiciall,

ciall, and dangerous to himselfe, and the whole Kingdome, wee would make a Law without him, and impose it upon the people. That which we desired, was, that in regard of the imminent danger of the Kingdom, the *Militia*, for the security of his Maiesty, and his people, might be put under the command of such Noble and faithfull persons, as they had all cause to confide in, and such was the necessity of this preservation, that we declared, that if his Maiesty should refuse to ioyne with us therein, the two Houses of Parliament being the supreme Court and highest Councell of the Kingdome, were enabled by their own authority to provide for the repulsing of such imminent, and evident danger not by any new Law of their own making as hath been untruly suggested to his Maiesty, but by the most ancient Law of this Kingdome, even that which is fundamentall and essentiall to the constitution and subsistence of it.

Although we never desired to encourage his Maiesty to such Replies as might produce any contestation betwixt him and his Parliament, of which we never found better effect, then losse of time, and hindrance of the publike affaires; Yet We have bin far from telling him of how little value his words would be with us, much lesse when they are accompanied with actions of Love and Justice. His Maiesty hath more reason to finde fault with those wicked Counsellours, who have so often bereaved him of the honour, and his people of the fruit, of many gracious Speeches, which hee made to them, such as those in the end of the last Parliament; That in the word of a King, and as hee was a Gentleman he would redresse the grievances of his People aswell out of Parliament as in it: were the searching the Studies and Chambers, yea, the Pockets of some, both of the Nobility, and Commons the very next day; The Commitment of Master *Bellasis*, Sir *John Hotham*, and Master *Crew*, the continued oppressions by Ship-money, Coat and Conduyt-money, with the manifold imprisonments, and other vexations thereupon, and other ensuing Violations of the Laws and Liberties of the Kingdom, (all which were the effects of evill counsell, and abundantly declared in our generall Remonstrance of the State of the Kingdom) actions of Love and Justice, suitable to such words as those?

As gracious was his Maiesties Speech in the beginning of this Parliament; That he was resolved to put himself freely, and cleerly upon the love and affection of his *English* Subiects. Whether his causlesse Complaints and Jealousie, the uniuert imputations so often cast upon his Parliament, his deniall of their necessary defence by the Ordinance of the *Militia*, his dangerous absenting himself from his great Councell, like to produce such a mischievous division in the Kingdom, have not been more suitable to other mens evill counsels then to his own words, will easily appeare to any indifferent Judgment.

Neither have his latter Speeches bene better used, and preserved by these

evill and wicked Counsellours: could any words be fuller of Love and Justice then those in his answer to the Message sent, to the House of Commons the one and thirtieth of *December, 1641*. We do engage unto you solemnly the word of a King that the security of all, and every one of you from violence, is and ever shall be as much our care as the preservation of Us and Our children; and could any actions be fuller of injustice and violence then that of the Attorney Generall, in falsely accusing the six Members of Parliament, and the other proceedings thereupon, within three or foure days after that Message, for the full view whereof let the Declaration made of those proceedings be perused, and by those instances (we could adde many more) let the world judge, who deserves to be taxed with disvaluing his Majesties words, they who have as much as in them lyes, staine and sullied them with such foule counsels, or the Parliament, who have ever manifested with joy, and delight their humble thankfulness for those gracious words, and actions of Love, and Justice, which have been conformable thereunto.

The King is pleased to disavow the having any such evill Counsell or Counsellours as are mentioned in our Declaration to his knowledge, and wee hold it our duty, humbly to avow there are such, or else we must say, that all the ill things done of late in his Majesties name, have been done by himself, wherein we should neither follow the direction of the Law, nor the affection of our own hearts; which is as much as may be to cleer his Ma. from all imputation of misgovernment, and to lay the fault upon his Ministers the false accusing of six Members of Parliament, the Justifying Master Attourney in that false accusation, the violent comming to the House of Commons, the deniall of the *Militia*, the sharp Messages to both Houses, contrary to the Customes of former Kings, the long and remote absence of his Majestie from Parliament; the heavy and wrongfull taxes upon both Houses, the cherishing and countenancing a discontented party in the Kingdome against them, these certainly are the fruits of very ill Counsell, apt to put the Kingdom into a Combustion, to hinder the supplies of *Ireland*, and to countenance the proceedings and pretentions of the Rebels there, and the Authours of these evill Counsels, we conceive must needs be known to his Majesty, and wee hope our labouring with his Majestie, to have these discovered, and brought to a just censure, will not so much wound his honour in the opinion of his good Subjects, as his labouring to preserve and conceal them.

And whereas his Majestie saith, he could wish that his own immediate Actions which he avows on his own honour, might not be so roughly censured under that Common style of evill Counsellours: Wee could also heartily wish that we had not cause to make that style so Common, but how often and undut-

duifully foever thefe wicked Counfellours fix their difhonour upon the King, by making his Majeftie the Authour of thofe evill actions, which are the effects their own evill Counfels; Wee his Majefties loyall and dutifull Subjects can ufe no other ftyle according to that *Maxime* in the Law, the King can doe no wrong, but if any ill be committed in matter of State, the Councell; if in matters of Juftice, the Judges muft answer for it.

We lay no charge upon his Majefty, which fhould put him upon that apolo- gie, concerning his faithfull and zealous affection of the Proteftant profeflion; Neidier doth his Majefty endeavour to cleer thofe, in greateft Authority about him, by whom (we fay) that Defigne hath been potently carried on for divers yeers, and we rather wifh that the mercies of Heaven then the Judgments may be manifested upon them, but that there have bin fuch, there are fo plentifull and frequent evidences, that we believe there is none either Proteftant or Pa- pift, who hath had any reasonable view of the paffages of later times, but either in fear or hope, did expect a suddain iffue of this Defigne.

We have no way tranfgreffed againft the Act of Oblivion, by Remembring the intended warre againft *Scotland*, as a Branch of that Defigne to alter Religion, by thofe wicked Counfels, from which God did then deliver us, which we ought never to forget.

That the Rebellion in *Ireland* was framed and cherifht by the Popifh and Malignant party in *England*, is not only affirmed by the Rebels, but may be cleered by many other proofs; The fame Rebellious principles of pretended Religion, the fame politique ends are apparant in both, and their malicious de- fignes and praftices are maskt, and difguifed with the fame falfe colour of their earneft zeal to vindicate his Majefties Prerogative from the fupposed oppreffion of the Parliament, how much thefe treacherous pretences have bin countenan- ced by fome evill Counfell about his Majefty may appeare in this, that the Proclamation, whereby they were declared Traitors, was fo long with-held as to the fecond of *January*, though the Rebellion broke forth in *October* before, and then no more but forty Copies appointed to be Printed, with a fpeciall command from his Majefty not to exceed that number, and that none of them fhould be publifhed till his Majefties pleafure were further fignified, as by the Warrant appears, a true Copy whereof is hereunto added, So that a few only could take notice of it, which was made more obfervable, by the late contrary proceedings againft the *Scots*, who were in a very quicke and sharpe manner proclaimed, and thofe Proclamations forthwith difperfed, with as much dili- gence as might be thorow all the Kingdome, and ordered to be read in all Churches, accompanied with publique Prayers and Execrations; another evi- dence of favour, and countenance to the Rebels in fome of power about his Majefty is this, that they have put forth in his Majefties name, a caufleffe
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complaint against the Parliament; which speaketh the same language of the Parliament which the Rebells doe, thereby to raise a beleefe in mens mindes, that his Majesties affections are alienated, as well as his person is removed from that his great councell, All which doth exceedingly retard the supplies of Ireland, and more advance the proceedings of the Rebells, then any Jealousie, or misapprehension begotten in his Subjects, by the declaration of the Rebells, Injunction of *Rossetti*, or information of *Trefram Whitcombe*, so that considering the present state and temper of both Kingdomes, his Royall presence is far more necessary here, then it can be in *Ireland*, for redemption or protection of his Subjects there.

His Majesty not charged with intention of any force

And whether there be any cause of his Majesties great indignation for being reproach'd, to have intended force or threatening to the Parliament: We desire them to consider who shall read our Declaration; in which there is no word tending to any such reproach, and certainly we have been more tender of his Majesties honour in this point, then he whosoever he was, that did write this Declaration, where in his Majesties name, he doth call God to witnesse, he never had any such thought, or knew of any such resolution of bringing up the Army, which truly will seeme strange to those, who shall read the deposition of Master *Gaming*, Information of Master *Percie*, and divers other examinations of Master *Wilmot*; Master *Pollard* and others, the other examination of Captaine *Legg*, Sir *Jacob Ashley*, Sir *John Connyers*, and consider the condition and nature of the Petition, which was sent unto Sir *Jacob Ashley*, under the approbation of C.R. which his Majesty doth now acknowledge to be his owne hand, and being full of scandall to the Parliament, might have proved dangerous to the whole Kingdome, if the Army should have interposed betwixt the King and them, as was desired.

Master *Iermine's* escape by his Majesties Warrant.

We doe not affirme that his Majesties warrant was granted for the Passage of Master *Iermine*, after the desire of both houses for restraint of his Servants, but only that he did passe over after that restraint by vertue of such a Warrant. Wee know the Warrant beares date the day before our desire, yet it seemes strange to those who know how great respect and Power Mr. *Iermine* had in Court, that hee should begin his Journey in such hast, and in apparell so unfit for Travaille, as a black Sattin suit, and white Bootes, if his going away were designed the day before.

Accusation of the Lord *Kimbolton*, &c.

The Accusation of the Lord *Kimbolton*, and the five members of the house of Commons is called a breach of priviledge, and truly so it was, and a very high one, farre above any satisfaction that hath been yet given, how can it be said to be largely satisfied, so long

long as his Majestie laboured to preserve Mr. Attorney from punishment; who was the visible Actor in it: so long as his Majestie hath not only Justified him, but by his Letter declared, that it was his duty to accuse them, and that he would have punished him, if he had not done it: So long as those Members have not the means of clearing their Innocency, and the Authors of that malicious charge undiscovered, though both houses of Parliament have severall times petitioned his Majestie to discover them, and that not only upon grounds of Common Justice, but by Act of Parliament. His Majestie is bound to doe it: so long as the King refuseth to passe a Bill for their discharge, alledging that the Narrative in that Bill, is against his honour, whereby he seemes still to avow the matter of that false, and scandalous accusation, though he deserts the prosecution, offering to passe a Bill for their acquittal, yet with intimation that they must desert the avowing their own innocency, which would more wound them in honour, then secure them in Law.

And in vindication of this great priviledge of Parliament, we doe not know that we have invaded any priviledge belonging to his Majestie, as is alledged in this Declaration.

But we looke not upon this only in the Notion of a breach of priviledge, which might be, though the accusation were true, or false, but under the Notion of a heinous crime in the Attorney and all other Subjects, who had a hand in it, a Crime against the law of nature, against the rules of Justice, that innocent men should be charged with so great an offence as Treason, in the face of the highest Judicatory of the Kingdome, whereby their lives and estates, their blood and honour are endangered, without witness, without evidence, without all possibility of reparation, in a Legall Course, yet a crime of such a nature, that his Majesties command can no more warrant, then it can any other Act of Injustice: it is true that those things which are evill in their owne nature, such as a false testimony or false accusation, cannot be the Subject of any Command, or induce any obligation of obedience upon any man, by any authority whatsoever, therefore the Attorney in this case, was bound to refuse to execute such a Command, unlesse he had some such evidence or Testimony as might have warranted him against the parties, and be lyable to make satisfaction if it should prove false, and it is sufficiently knowne to every man, and adjudged in Parliament, that the King can be neither the relator, informer nor witness. If it rest as it is without further satisfaction, no future Parliament can be safe, but that the members may be taken, and destroyed at pleasure, yea the very principles of government, and Justice will be in danger to be dissolved.

Tumultuous We doe not conceive that numbers doe make an assembly unlawfull, but when either the end or manner of their Carriage, shall be unlawfull. Divers just occasions might draw the Citizens to *Westminster*.

Nov, where many publicke and private Petitions, and other Causes were depending in Parliament, and why that should be found more faultie in the Citizens, then the resort of great numbers every day in the Terme to the ordinary Courts of Justice we know not; that those Citizens were notoriously provoked and assaulted at *Westminster*, by Colonel *Lunsford*, Captaine *Hilde*, with divers others, and by some of the servants of the Archbishop of *York* is sufficiently proved, and that afterward they were more violently wounded, and most barbarously mangled with Swords by the officers and Souldiers neere *White-Hall*, many of them being without weapons, and giving no cause of distast, as is likewise proved by severall testimonies but of any scandalous or seditious misdemeanours of theirs, that might give his Majestie good cause to suppose his own person or those of his Royall Consort, or Children to be in apparant danger, we have had no prooffe ever offered to either House, and if there had been any complaint of that kind, it is no doubt the Houses would have been as forward to joyne in an order for the suppressing of such Tumults as they were, not long before upon another occasion, when they made an Order to that purpose. Whereas those Officers and Souldiers which committed that violence upon so many of the Citizens at *Whitehall*, were cherisht and fostered in his Majesties house, and when not long after, the Common Councell of *London* presented a Petition to his Majestie, for reparation of those injuries; his Majesties Answer was (without hearing the prooffe of the complainants) that if any Citizen were wounded or ill intreated, his Majestie was confidently assured, that it happened by their own evill and corrupt demeanors.

We hope it cannot be thought contrary to the duty and wisdome of a Parliament, if many concurring and frequently reiterated and renewed advertisements from *Rome*, *Venice*, *Paris*, and other parts, if the solicitation of the Popes *Nuncio*, and our own discontented fugitives, doe make us jealous and watchfull for the safetie of the State. And We have been very carefull to make our expressions thereof, so easie and so plaine, to the capacity and understanding of the people, that nothing might justly stick with them, with reflection upon the Person of his Majestie. Wherein We appeale to the judgement of any indifferent person, who shall read and peruse our own Words.

We must maintaine the ground of our feares, to be of that moment, that We cannot discharge the trust and duty which lyes upon us, unlesse We doe apply our selves to the use of those meanes, to which the Law hath enabled us in cases of this nature, for the necessary defence of the Kingdome, and as his Majesty doth graciously declare, the Law shall be the Measure of his power, so doe We most heartily professe, that We shall alwayes make it the rule of our obedience.

Prudent omissions in the Answer.

The next point of our Declaration was with much caution artificially passed
over

over by him who drew his Majesties Answer, it being indeed the foundation of all our misery, and his Majesties trouble, that he is pleased to heare generall taxes upon his Parliament, without any particular charge to which they may give satisfaction, and that he hath often conceived displeasure against particular persons upon mis-information, and although those informations have been clearly proved to be false, yet he would never bring the accusers to question, which layeth an impossibility upon honest men of clearing themselves, and gives encouragement unto false and unworthy persons to trouble him with untrue and groundlesse informations. Three particulars we mentioned in our Declaration, which the Penner of that Answer had good cause to omit: the words supposed to be spoken at *Kensington*, the pretended Articles against the Queen, and the groundlesse accusation of the six Members of the Parliament, there being nothing to be said in defence or deniall of any of them.

Concerning his Majesties desire to joyne with his Parliament, and with his faithfull Subjects in defence of Religion, and publick good of the Kingdome; we doubt not but he will doe it fully when evill Counsellours shall be removed from about him, and untill that be, as we shewed before of words, so must we also say of Lawes, that they cannot secure us; witnesse the Petition of Right, which was followed with such an inundation of illegall taxes, that we had just cause to thinke that the payment of eight hundred and twenty thousand pounds was an easie burthen to the Common-wealth in exchange of them, and we cannot but justly thinke that if there be a continuance of such ill Counsellours and favour to them, they will by some wicked device or other, make the Bill for the Trienniall Parliament, and those other excellent Laws mentioned in his Majesties Declaration, of lesse value then words.

That excellent Bill for the continuance of this Parliament was so necessary, that without it we could not have raised so great sums of money for the service of his Majestie and the Common-wealth as we have done, and without which the ruine and destruction of the Kingdome must needs have followed. And we are resolved, the gracious favour of his Majesty expressed in that Bill, and the advantage and security which thereby we have from being dissolved, shall not encourage us to doe any thing, which otherwise had not been fit to have been done. And we are ready to make it good before all the world, that although his Majestie hath passed many Bills very advantagious for the Subject, yet in none of them have we bereaved his Majesty, of any just, necessary, or profitable Prerogative of the Crowne.

We so earnestly desire his Majesties returne to *London*, that upon it, we conceive, depends the very safety and being of both his Kingdomes. And therefore we must protest, that as for the time past, neither the government of *London*, nor any Lawes of the Land, have lost their life and force for his security; So for the

future, we shall be ready to doe or say any thing that may stand with the duty or honour of a Parliament, which may raise a mutuall confidence betwixt his Majesty and us as we do wish, and as the affaires of the Kingdom do require.

Thus farre the Answer to that which is called his Majesties Declaration hath led us, now we come to that which is Intituled his Majesties Answer to the Petition of both Houses, presented to him at *Torke* the 26. of *March*, 1642. In the beginning whereof, his Majestie wisheth that our Priviledges on all parts were so Stated, that this way of correspondency might be preserved, with that freedom which hath been used of old; we know nothing introduced by us, that gives any impediment hereunto, neither have we affirmed our Priviledges to be broken, when his Majestie denies us any thing, or gives a reason why hee cannot grant it, or that those who advised such deniall were enemies to the peace of the Kingdome, and favourers of the Irish Rebellion, in which aspersiō, that is turned into a generall assertion, which in our Votes is applyed to a particular case, wherefore we must maintaine our Votes, that those who advised his Majestie to contradict that which in both Houses in the Question concerning the *Militia*, had declared to be Law, and command it should not be obeyed, is a high breach of priviledge, and that those who advised his Majestie to absene himselfe from his Parliament, are enemies to the peace of the Kingdome, and justly to bee suspected to be favourers of the Rebellion in *Ireland*, the reasons of both are evident, because in the first, there is as great a derogation from the trust and authority of Parliament; and in the second, as much advantage to the proceedings and hopes of the Rebels, as may be, and we hold it a very causelesse imputation upon the Parliament, that we have herein any way impeacht, much lesse taken away the freedom of his Majesties Vote, which doth not import a liberty for his Majestie to deny any thing, how necessary soever for the preservation of the Kingdom, much lesse a Licence to evill Counsellours, to advise any thing, though never so destructive to his Majestie, and his People.

By the Message of the twentieth of *January*: his Majesty did propound to both Houses of Parliament, that they would with all speed fall into a serious consideration of all those particulars which they thought necessary as well for the upholding and maintaining his Majesties just and Regall authority, and for the settling his Revenue, as for the present and future establishing our Priviledges, the free and quiet enjoying our estates, the Liberties of our Persons, the security of the true Religion professed in the Church of *England*, and the settling of Ceremonies in such a manner as may take away all just offence, and to digest it into one entire body.

To that point of upholding and maintaining his Royall authority, We say nothing hath been done to the prejudice of it, that should require any new provision; To the other of settling the revenue, the Parliament hath no way a-bridged

bridged or disordered his just revenue, but it is true that much wast & confusion of his Majesties estate hath beene made by those evill and unfaithfull Ministers, whom he hath imployed in the managing of it, whereby his owne ordinary expences would have beene disappointed, and the safety of the Kingdome more endangered: if the Parliament had not in some measure provided for his Household, and for some of the Forts, more then they were bound to doe, and they are still willing to settle such a revenue upon his Majestie as may make him live Royally, plentifully and safely, but they cannot in wilddome and fidelity to the Common-Wealth, doe this, till he shall chuse such Counsellours and Officers as may order and dispose it to the publicke good, and not apply it to the ruine and destruction of his people as heretofore it hath beene, but this and the other matters concerning Our selves, being workes of great importance, and full of intricacie will require so long a time of deliberation, that the Kingdome might be ruined before Wee should effect them. Wherefore We thought it necessary, first to be suitors to his Majestie so to order the Militia, that the Kingdome being secured, Wee might with more ease and safety apply our selves to debate of that Message wherein Wee have beene interrupted by his Majesties denial of the Ordinance concerning the same, because it would have beene in vaine for Us to labour in other things, and in the meane time to leave our selves naked to the malice of so many enemies, both at home and abroad: yet We have not beene altogether negligent of those things which his Majestie is pleased to propound in that Message. We have agreed upon a Booke of Rates in a larger Proportion then hath beene granted to any of his Majesties Predecessors, which is a considerable support of his Majesties publicke charge, and have likewise prepared divers Propositions and Bills for preservation of our Religion and liberties, which Wee intend shortly to present to his Majestie, and to doe whatsoever is fit for Us, to make up this unpleasant breach betwixt his Majestie and the Parliament.

Whereas divers exceptions are here taken concerning the Militia, first, that his Majestie never denied the thing, but accepted the persons. (except for Corporations) onely that hee denied the way, to which We answer, that that exception takes off London, and all other great Townes and Cities, which makes a great part of the Kingdome, and for the way of Ordinance it is antient, more speedy, more easily alterable, and in all these and other respects, more proper and more applicable to the present occasion, then a Bil, which his Majestie calls the only good old way of imposing upon the subjects. It should seeme that neither his Majesties Royall Predecessors, nor our Ancestors, have heretofore beene of that opinion, 27 Ed. 3. Wee find this Record: the Chauncelour made declaration of the Challenge of the Parliament: the King desires to know the griefes of his Subjects, and to redresse enormities: The last day of the Parliament the

King demanded of the whole Estates, whether they would have such things as they agreed on, by way of Ordinance or Statute, who Answered by way of Ordinance, for that they might amend the same at their pleasures, and so it was.

But his Majestie objects further, that there is somewhat in the preface, to which he could not consent with Justice, to his honour and innocence, and that thereby he is excluded from any power in the disposing of it: these objections may seeme somewhat, but indeed will appeare nothing, when it shall be considered, that nothing in the Preamble layes any charge upon his Majestie, or in the body of the Ordinance, that excludes his Royall Authority in the disposing or execution of it. But onely it is provided that it should be signified by both Houses of Parliament, as that channell through which it will be best derived, and most certainly, to those ends for which it is intended, and let all the world judge, whether Wee have not reason to insist upon it, that the strength of the Kingdome should rather be ordered according to the direction or advice of the great Councell of the Land, equally intrusted by the King and by the Kingdome, then that the safety of the King, Parliament, and Kingdome should be left at the devotion of a few unknowne Counsellours, many of them not intrusted at all by the King in any publike way, nor at all confided in by the Kingdome.

We wish the danger were not imminent, or not still continuing, but cannot conceive that the long time spent in this debate is evidence sufficient, that there was no such necessity or danger, but a Bill might easilie have bin prepared, for when many causes do concur to the danger of a State, the interruption of any one may hinder the execution of the rest, and yet the designe be still kept on foot for better opportunities: who knows whether the ill success of the Rebels in Ireland hath not hindred the insurrection of the Papists here? whether the preservation of the six Members of the Parliament, falsely accused hath not prevented that plot of the breaking the neck of the Parliament, of which wee were informed from Fraunce, not long before they were accused? yet since his Majesty hath bin pleased to expresse his pleasure, rather for a Bill then an Ordinance, and that he sent in one for that purpose wee readily entertained it, and with some small and necessary alterations, speedily passed the same: But contrary to the custome of Parliament, and our expectation grounded upon his Majesties owne invitation of us to that way, and the other reasons manifested in our Declaration, concerning the Militia, of the fifth of May, instead of his Royall assent, we met with an absolute refusal.

If the matter of these our Votes, 15, and 16 of March, be according to Law, we hope his Majestie will allow the Subjects to be bound by them, because he hath said, he will make the Law the Rule of his Power, and if the question be whether

whether that bee Law which the Lords and Commons have once declared to be so, who shall be the Judge? Not his Majesty, for the King judgeth not of matters of Law, but by his Courts, and his Courts, though sitting by his authority, expect not his Assent in matters of Law: not any other Courts, for they cannot Judge in that case because they are Inferiour: no appeale lying to them from Parliament, the Judgement whereof is in the eye of the Law, the Kings Judgement in his highest Court; though the King in his person be neither present nor assenting thereunto.

The Votes at which his Majesty takes exceptions are these.

I. *That the Kings absence so farre remote from the Parliament is not onely an obstruction, but may be a destruction to the Affaires of Ireland.*

II. *That when the Lords and Commons shall declare what the Law of the Land is, to have this not onely questioned, and controverted, but contradicted, and a command that it should not bee obeyed, is a high breach of the priviledge of Parliament.*

III. *That those persons that advised his Majestie to absent himselfe from the Parliament, are enemies to the Peace of the Kingdome, and justly may be suspected to be favourers of the Rebellion in Ireland.*

That the Kingdome hath been of late, and still is in so eminent danger both from enemies abroad, and a Popish and discontented partie at home, that there is an urgent and inevitable necessity of putting his Majesties subjects into a posture of defence, for the safeguard both of his Majesty, and his people.

That the Lords and Commons fully apprehending this danger, and being sensible of their own duty, to provide a sutable prevention, have in severall Petitions addressed themselves to his Majesty, for the ordering and disposing the Militia of the Kingdome, in such a way as was agreed upon by the wisdom of both Houses to be most effectuell and proper for the present exigents of the Kingdome, yet could not obtaine it, but his Majestie did severall times refuse to give his Royall assent thereunto.

That in this case of extreame danger, and his Majesties refusall the Ordinance of Parliament agreed upon by both Houses for the Militia, doth oblige the people, and ought to be obeyed by the fundamentall Lawes of this Kingdome.

By all which it doth appeare, that there is no Colour of this Tax, that wee goe about to introduce a new Law, much lesse to exercise an arbitrary power, but indeed to prevent it, for this Law is as old as the Kingdome. That the Kingdome must not be without a meanes to preserve it selfe, which that it may be done without confusion, this Nation hath intrusted certaine hands with a Power to provide in an orderly and regular way, for the good and safetie of the whole, which power, by the Constitution of this Kingdome, is in his Majesty, and in his Parliament together: yet since the Prince being but one person,

is more subject to accidents of nature and chance, whereby the Common-Wealth may be deprived of the fruit of that trust which was in part reposed in him, in cases of such necessity, that the Kingdome may not be inforced presently to returne to its first principles and every man left to doe what is aright in his own eyes, without either guide or rule, The Wisdome of this State hath intrusted the Houses of Parliament with a power to supply what shall bee wanting on the part of the Prince, as is evident by the constant custome and practice thereof, in cases of nonage, naturall disability, and captivity, and the like reason doth and must hold for the exercise of the same power in such cases, where the Royall trust cannot be, or is not discharged, and that the Kingdome runs an evident and imminent danger thereby; which danger, having beene declared by the Lords and Commons in Parliament, there needs not the authority of any person or Court to affirme; nor is it in the power of any person or Court to revoke that judgement.

We know the King hath wayes enough in his ordinary Courts of justice to punish such seditious Pamphlets and Sermons as are any way prejudiciall to his Rights, Honour, and authority; and if any of them have beene so insolently violated and vilified, his Majesties owne Councell and Officers have been too blame, and not the Parliament; we never did restraine any proceedings of that kind in other Courts, nor refuse any fit complaint to us. The Protestation Protested was referred by the Commons House to a Committee, and the Author being not produced, the Printer committed to prison, and the Booke voted by that Committee, to be burnt; but Sir *Edward Deering* who was to make that report of the Votes of that Committee, neglected to make it; The Apprentices Protestation was never complained of, but the other seditious Pamphlet, *To your Tents oh Israel* was once questioned and the full prosecution of it was not interrupted by any fault of either House, whose forwardnesse to doe his Majesty all right therein, may plainly appeare, in that a Committee of Lords and Commons was purposely appoynted to take such informations as the Kings Councell should present, concerning seditious words, practises or tumults, Pamphlets or Sermons, tending to the derogation of his Majesties Rights, or Prerogative; and his Councell were enjoyned by that Committee, to enquire and present them, who severall times met thereupon, and received this Answer and Declaration from the Kings Councell, that they knew of no such thing as yet.

If his Majesty had used the service of such a one in penning this Answer, who understood the Lawes, and government of this Kingdome, hee would not have thought it legally in his power to deny his Parliament a guard, when they stood in need of it, since every ordinary Court hath it; neither would his Majesty, if he had beene well informed of the Lawes, have refused a guard as they desired

desired, it being in the power of inferior Courts to command their owne guard, neither would he have imposed upon them such a guard under a Commander, which they could not confide in; which is clearly against the Priviledges of Parliament, and of which they found very dangerous effects, and therefore desired to have it discharged; but such a guard and so commanded, as the Houses of Parliament desired, they could never obtain of his Majestie, and the placing of a guard about them contrary to their desire, was not to grant a guard to them, but in effect to set one upon them: All which considered, we beleeve in the judgements of any indifferent persons, it will not be thought strange if there were a more then ordinary resort of people at *Westminster*, of such as came willingly of their own accord to be witnesses and helpers of the safetie of them whom all his Majesties good Subiects are bound to defend from violence and danger; or that such a concourse as this, they carrying themselves quietly and peaceably (as they did) ought in his Majesties apprehension, or can in the interpretation of the Law, be held tumultuary and seditious.

When his Majestie in that question of violation of the Laws had expressed the observation of them indefinitely without any limitation of time, although we never said or thought any thing that might look like a reproach to his Majestie, yet we had reason to remember that it had been otherwise; lest we should seem to desert our former Complaints and proceedings thereupon; as his Majestie doth seem but little to like or approve of them: for although he doth acknowledge here that great mischief that grew by that arbitrary power then complained of, yet such are continually preferred and countenanced as were friends or favourers, or related unto the chief Authors and Actors of that Arbitrarie Power & of those false colours, suggestions of imminent danger and necessity, whereby they did make it plausible unto his Majestie; and on the other side, such as did appeare against them, are daily discountenanced and disgraced: which whilst it shal be so, we have no reason to judge the disease to be yet killed and dead at root; and therefore no reason to bury it in oblivion. And whilst we behold the Spawnes of those mischievous Principles, cherisht and fostered in that new generation of Councillours, friends and Abettors of the former, or at least concurring with them in their malignancie against the proceedings of this Parliament, we cannot think our selves secure from the like or a worse danger.

And here the Penner of this Answer bestows an admonition upon the Parliament, bidding us take heed we fall not upon the same errour, upon the same suggestions: but he might have well spared this, till he could have shewed wherein we had exercised any power otherwise then by the rule of the Law, or could have found a more authentique or a higher Judge in matters of Law, then the high Court of Parliament.

It is declared in his Majesties name, that he is resolved to keep the rule him-
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selfe,

self, and to his power to require the same of all others: we must needs acknowledge that such a resolution is like to bring much happinesse and blessing to His Majesty, and all His Kingdoms, yet with humility we must confesse, wee have not the fruit of it, in that Case of my Lord *Kimbolton*, and the other five Members accused contrary to Law, both Common Law, and the Statute Law, and yet remaineth unsatisfied; which Case was remembered in our Declaration as a strange and unheard of violation of our Laws: But the Penner of this Answer thought fit to passe it over, hoping that many would read his Majesties Answer, which hath been so carefully dispersed, which would not read our Declaration.

Whereas after our ample thanks, and acknowledgment of his Majesties favour in passing many good Bills, we said, that truth and necessity inforced us to adde this, that in or about the time of passing those Bills, some designe or other hath bin a foot; which if it had taken effect, would not onely have deprived us of the fruit of those Bills, but would have reduced us to a worse condition of confusion, then that wherein the Parliament found us. It is now told us that the King must be most sensible of what wee cast upon him, for requitall of those good Bills, whereas out of our usuall Tenderneffe of His Majesties Honour, we did not mention him at all: but so injurious are those wicked Counsellours to the Name and Honour of their Master and Sovereigne, that as much as they can they lay their own infamy and guilt upon his shoulders.

Here God also is called to witnesse His Majesties upright intentions at the passing of those Laws; this we will not question. neither did wee give any occasion of such a solemne asseveration as this is. The Devill is likewise desired to prove there was any Designe with His Majesties knowledge or privy; This might well have bin spared, for we spake nothing of His Majesty; But since we are so far taxed as to have it affirmed that wee laid a notorious and false imputation upon His Majesty, wee have thought it necessary for the just defence of our own innocency, to cause the Oaths and Examinations which have bin taken concerning the Designe to be published in a full Narration, for satisfaction of all His Majesties Subjects out of which we shall now offer some few particulars, whereby the world may judge whether wee could have proceeded with more tenderneffe toward His Majesty then we have done. Master *Goring* confesseth, that the King first asked him whether hee were engaged in any Caball concerning the Army, and commanded him to joyne with Master *Percy* and Master *Iermyn*, and some other whom they should finde within at Master *Percy's* Chamber, where they took the Oath of secrecy, and then debated of a Designe propounded by Master *Iermyn* to secure the Tower. and to consider of bringing up the Army to *London*, and Captain *Legg* confessed, he had received the draught of a Petition in the Kings presence, and His Majesty acknowledged

eth it was from His own hand ; and whoſoever reads the ſumme of that Petition, as it was proved by the Teſtimony of Sir *Jacob Aſhley*, Sir *John Conyers*, and Captain *Legg*, will eaſily perceive ſome points in it apt to beget in them ſome diſcontent againſt the Parliament. And can any man believe there was no Deſigne in the accusation of the Lord *Kimbolton* and the reſt , in which His Maieſty doth avow himſelf to be both a Cominander and an Actor: theſe things being ſo, it will eaſily appear to be as much againſt the rules of Prudence, that the Penner of this Answer ſhould entangle His Maieſty in this unneceſſary Apology ; as it is againſt the rules of Juſtice, that any reparation from us ſhould be either yielded, or demanded.

It is profeſſed in His Maieſties name, that he is truly ſenſible of the burthens of His people, which makes us hope that hee will take that courſe which will be moſt effectually to eaſe them of theſe burthens, that is to joyne with his Parliament in preſerving the peace of the Kingdome , which by his abſence from them hath been much endangered, and which by hindring the voluntarie Adventures for the recovery of *Ireland*, and diſabling the Subjects to diſcharge the great tax laid upon them , is like to make the war much more heavy to the Kingdome. And for His Maieſties wants, the Parliament have been no cauſe of them, we have not diminifhed His juſt Revenue, but have much eaſed His publicke Charge, and ſomwhat his private. And we ſhall be ready, in a Parliamentary way, to ſettle His Revenue in ſuch an Honourable proportion, as may be answerable to both, when hee ſhall put himſelf into ſuch a poſture of Government, that His Subjects may be ſecure to enjoy His juſt protection, for their Religion Laws, and Liberties.

We never refuſed His Maieſties gracious offer of a free and General Pardon, onely we ſaid it could be no ſecurity to our preſent Fears and Jealouſies : And wee gave a reaſon for it , that thoſe feares did not ariſe out of any guilt of our own Actions, but out of the evill Deſignes and Attempts of others ; and wee leave it to the world to iudge, whether we herein have deſerved ſo heavy a tax and Exclamation (that it was a ſtrange world when Princes proffered favours are counted reproaches, ſuch are the words of His Maieſties Answer) who doe eſteem that offer as an Act of Princely grace and bounty ; which ſince this Parliament began wee have humbly deſired wee might obtain , and doe ſtill hold it very neceſſary and advantageous for the generality of the Subject, upon whom theſe Taxes and Subſidies lye heaviſt, but we ſee upon every occaſion how unhappy we are in His Maieſties miſapprehenſions of our words and actions.

We are fully of the Kings minde as it is here declared, that he may reſt ſo ſecure of the affections of His Subjects, that he ſhould not ſtand in need of For-

reign force to preserve him from oppression, and are confident that he shall never want an abundant evidence of the good wishes and assistance of His whole Kingdom, especially if he shall be pleased to hold to that gracious Resolution of building upon that sure foundation, the Law of the Land: but why His Majesty should take it ill, that wee having received informations so deeply concerning the safety of the Kingdom, and should think them fit to be considered of, we cannot conceive; for although the name of the person was unknowne, yet that which was more substantiall to the probability of the Report was known (that is) that he was Servant to the Lord *Digby*, who in his presumptuous Letter to the Queens Majesty, and other Letters to Sir *Lewis Dives*, had intimated some wicked Proposition suitable to that Information, but that this should require reparation, wee hold it as farre from Justice as it is from truth, that we have mixt any malice with these rumours, thereby to feed the Fears and Jealousies of the People.

It is affirmed his Majesty is driven (but not by us yet) from us, perchance hereafter if there be opportunity of gaining more credit there will not be wanting who will suggest unto his Majesty, that it is done by us. And if his Majesty were driven from us, we hope it was not by his own feares, but by the feares of the *L. Digby* and his Retinue of Cavaliers, and that no feares of any Tumultuary violence, but of their iust punishment for their manifold insolence and intended violence against the Parliament. And this is expressed by the *L. Digby* himself, when he told those Cavaliers that the principall cause of his Ma. going out of Town was to save them from being trampled in the dirt; but of his Ma. person there was no cause of feare in the greatest heat of the peoples indignation after the accusation, and his Majesties violent comming to the House, there was no shew of any evill intention against his Regall Person, of which there can be no better evidence then this, that hee came the next day without a Guard into the City, where he heard nothing but Prayers and Petitions, no threatnings or irreverent speeches, that might give him any iust occasion of feare, that wee have heard of, or that his Majesty exprest; for hee staid neer a week after at *White-hall*, in a secure and peaceable condition, whereby we are induced to believe that there is no difficulty nor doubt at all, but his Majesties residence neer *London*, may be as safe as in any part of the Kingdome: Wee are most assured of the faithfulness of the City and Suburbs; And for our selves we shall quicken the vigour of the Laws, the industry of the Magistrate, the authority of Parliament for the suppressing of all tumultuary insolencies whatsoever, and for the vindicating of His Honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him, as are mentioned in this Answer, and therefore wee thinke it altogether unnecessary and exceeding
incon-

inconvenient to adjourne the Parliament to any other place.

Where the desire of a good understanding betwixt the King and the Parliament, is on both parts so earnest as is here profest of His Majesty to be in him, and we have sufficiently testified to be in our selves, it seems strange we should be so long asunder, it can be nothing else but evill and malicious Councell, misrepresenting our carriage to him, and in disposing his favour to us : and as it shall be farre from us to take any advantage of his Majesties supposed straits, as to desire, much lesse to compell him to that, which his Honour or interest may tender unpleasent and grievous to him, so wee hope that His Majesty will not make his own understanding or reason the rule of his Government, but will suffer himselfe to be assisted with a wise and prudent Councell, that may deale faithfully betwixt him and his people ; And that he will remember that his resolutions do concerne Kingdoms, and therefore ought not to be moulded by his owne, much lesse by any other private person, which is not alike proportionable to so great a trust, and therefore wee still desire and hope that His Majesty will not be guided by his own understanding, or to think those Courses straights and necessities, to which hee shall be advised by the Wisdom of both Houses of Parliament ; which are the Eyes in this Politique Body, whereby his Majesty is by the Constitution of this Kingdom to discern the differences of those things which concern the publike peace and safety thereof.

Wee have given His Majesty no cause to say, that wee doe meanly value the discharge of His publick duty, whatsoever Acts of Grace or Justice have been done they proceeded from His Majesty by the advice and Councell of His Parliament ; yet we have and shall always answer them with constant gratitude, obedience, and affection ; and although many things have bin done since this Parliament of another nature yet we shall not cease to desire the continued protection of Almighty God upon His Majesty. And most humbly Petition him to cast from him all those evill and contrary Councils which have in many particulars formerly mentioned, much detracted from the Honour of His Government the happinesse of his own Estate, and prosperity of his People.

And having past so many dangers from abroad, so many Conspiracies at home, and brought on the publike work so far, through the greatest difficulties that ever stood in opposition to a Parliament, to such a degree of successe; that nothing seems to be left in our way able to hinder the full accomplishment of our desires and endeavours for the publick good; unlesse God in his justice, doe send such a grievous Curse upon us, as to turne the strength of the Kingdom against it self, and to effect that by their owne folly and credulity, which the Power and Subtily of their and our enemies could not attain, That is, to divide the people from the Parliament, and to make them serviceable to the ends

and aymes of those, who would destroy them. Therefore wee desire the Kingdom to take notice of this last most desperate and mischievous Plot of the malignant party, that is acted and prosecuted in many parts of the Kingdom, under plausible Notions, of stirring them up to a care of preserving the Kings Prerogative, mayntaining the Discipline of the Church, upholding and continuing the reverence and solemnity of Gods Service, incouraging of Learning. And upon these grounds, divers mutinous Petitions have bin framed in *London. Kent*, and other Counties, and sundry of His Majesties Subjects have bin solicited to declare themselves for the King against the Parliament: and many false and foule aspersions have bin cast upon our proceedings, as if we had bin not onely negligent but averse in these points: whereas we desire nothing more, then to mayntain the purity and power of Religion, and to Honour the King in all His just Prerogatives: and for encouragement and advancement of Piety and Learning, wee have very earnestly endeavoured, and still doe to the uttermost of our Power, that all Parishes may have learned, pious, and sufficient Preachers, and all such Preachers competent Livings.

Many other Bills and Propositions are in preparation for the Kings Profit and Honour, the peoples safety and prosperity, In the proceedings whereof, wee are much hindred by His Majesties absence from the Parliament, which is altogether contrary to the use of his Predecessors, and the Priviledges of Parliament, whereby our time is consumed by a multitude of unnecessary Messages, and our innocency wounded by causlesse and sharp Invectives. Yet wee doubt not, but wee shall overcome all this at last, if the people suffer not themselves to be deluded with false and specious shews and so drawn to betray us to their owne undoing who have ever beene willing to hazard the undoing of our selves, that they might not be betray'd by our neglect of the trust reposed in us; but if it were possible, they should prevail herein, yet wee would not fail through Gods grace still to persist in our duties, and to look beyond our own Lives, Estates and advantages, as those who think nothing worth the enjoying without the Liberty, Peace, and Safety of the Kingdom: nor any thing too good to be hazarded in discharge of our Consciences, for the obtaining of it; And shall always repose our selves upon the Protection of Almighty God; which wee are confident shall never be wanting to us (while we seek his glory) as wee have found it hitherto, wonderfully going along with us in all our proceedings.

Die Jovis 19 Maii. 1642.

I*T is this day ordered by the Lords and Commons in Parliament assembled, That this Declaration, together with the Depositions, shall be forthwith Printed and published.*

John Brown Cler. Parl.

IT is his Majesties pleasure that you forthwith Print in every good Paper, and send unto me for his Majesties Service, forty Copies of the Proclamation inclosed, leaving convenient space for his Majesty to signe above, and to affix the Privy Signet underneath: And his Majesties expresse Command is, that you Print not above the said number of forty Copies. and forbear to make any further publication of them, till his pleasure be further signified, for which this shall be your Warrant.

Whitehall 2. January, 1641.

Edw. Nicholas.

For His Majesties Printer.

The Examination of Colmell Goring, taken June 19. 1641.

To the first Interrogatory.

HE saith, That in *Leut* last (as he remembers) about the middle of it, Sir *John Suckling* came to him on *Sunday* morning as hee was in his bed: And this Examinee conceiving hee had come to him about some businesse of money that was between them; and thereupon falling upon that Discourse, Sir *John Suckling* told him hee was then come about another businesse, which was to acquaint him, That there was a purpose of bringing the Army to *London*. And that my Lord of *Newcastle*, was to be Generall, and hee, this Examinee, Lieutenant Generall, if hee would accept of it. And further said, That hee should heare more of this businesse at Court: to which this Examinee answered only this, Well, then I will go to the Court; which was all that passed betweene them at that time, to the best of this Examinees remembrance.

To the second, He cannot depose.

To the third He saith, That as he was comming in his Coach in the street, out of the *Covent-garden* into *Saint Martins Lane*: he met there Master *Henry Jermyn*, who was likewise in a Coach; and seeing this Examinee, sent his Footman to him, desiring him to follow him, because hee would speak with him; which this Examinee did: And Master *Jermyn* going a little further, alighted, and went into a house (to which house, as this Examinee was but yesterday informed, Sir *John Suckling* did then usually resort) and thither this Examinee followed him; and comming after him to the top of the *Stayres*. M. *Jermyn* said to him, He had somewhat to say to him concerning the Army, but that this was no fit place to speak of it. and desired him to meet him that evening at the Court, on the *Queens side*; which this Examinee accordingly did; and meeting

ing Master *Jermyn* in the Queens drawing Chamber he was there told by him, That the Queen would speak with him, and thereupon Master *Jermyn* brought him into the Queens Bed-chamber: But before this Examinee could enter into any discourse with the Queen, the King came in, and then this Examinee did withdraw, and went away for that time, but returned again the same night, and met Master *Jermyn* again on the Queens side, who told him that hee must necessarily meet with some Officers of the Army, to hear some Propositions concerning the Army. The next day, being *Monday*, this Examinee came again to the Court in the afternoon, and went into the Queens drawing Chamber, where Her Majesty then was, who was pleased to tell him that the King would speak with him, and bade him repaire to the Roomie within the Gallery, into which Room the King soon after came; and His Majesty asked him if he was engaged in any Cabale concerning the Army: to which he answered, That he was not: whereupon His Majesty replied, I command you then to joyne your self with *Percy*, and some others whom you will find with him. And His Majesty likewise said, I have a desire to put my Army into a good posture and am advised unto it by my Lord of *Bristol*: which was the effect of what passed between the King and this Examinee at that time. This Examinee meeting afterwards with Master *Jermyn*, Master *Jermyn* told him that they were to meet that evening at nine of the clock with Master *Percy*, and some others, at Master *Percies* Chamber; and accordingly Master *Jermyn* and he went thither together, and there found Master *Percy* himself, Master *Wilmot*, Master *Ashburnham*, Master *Pollard*, Master *Oneal*, and Sir *John Bartley*; Master *Percy* then in the first place tendered an Oath to this Examinee and Master *Jermyn*, the rest saying they had taken that Oath already: this Oath was prepared in writing, and was to this effect, *That they should neither directly nor indirectly disclose any thing of that which should be then said unto them, nor thinke themselves absolved from the secrecy enioyned by this Oath, by any other Oath which should be afterwards taken by them.* They having taken the Oath, Master *Percy* declared That they were resolved not to admit of any body else into their Councils: And Master *Jermyn* and this Examinee moved that Sir *John Suckling* might be received amongst them; which being opposed by the rest, after some debate, it was laid aside: And some speech there was of Sir *John Suckling* his being employed in the Army; but how it was agreed upon, this Examinee doth not remember.

After this, Master *Percy* made his Propositions, which he read out of a paper, which were to this effect, That the Army should presently be put into a posture to serve the King, and then should send up a Declaration to the Parliament, of these particulars, *viz.* That nothing should be done in Parliament

contrary to any former Act of Parliament, which was explained, That Bishops should be mayntained in their Votes and Functions, And the Kings Revenue be established. From these Propositions none of Master *Percies* Company did declare themselves to dissent. Then came into consideration, if the Army should not immediatly be brought to *London*, which, as this Examinee remembers, was first propounded by Master *Iermyn*, and also the making sure of the Tower. These things this Examinee did urge, to shew the vanity and danger of the other Propositions. without undertaking this. In the conclusion, this Examinee did protest against his having any thing to do in either designe; for the proof of which, he appeals to the consciences of them that were present, and so parted with them. About this businesse this Examinee saith, That they had two meetings, and cannot distinguish what passed at the one, and what at the other, but the result of all was as hee formerly declared: further then which, he cannot depose.

To the fourth Inter. He can say no more then he hath already said.

To the fifth Inter. Hee saith, That the very day that Sir *John Suckling* first moved this unto him, he gave some touch of it to my Lord *Dunbarrian*, and the day after his second meeting at Master *Percies* Chamber, hee discovered it to my Lord of *Newport*, and desired him to bring him to some other Lords, such as might be likeliest to prevent all mischief: And accordingly the next day my Lord of *Newport* brought him to my Lord of *Bedford*, my Lord *Say*, and my Lord *Mandevil*, to whom he imparted the mayn of the businesse, but not the particulars, in regard of his Oath; and desired them to make use of it as they should see cause, for the safety of the Common-wealth, but not to produce him, nor name any person, except there were a necessity for it. He further saith, That he did at the same time make a Protestation unto those Lords, of his fidelity unto the Common-wealth, and of his readinesse to run all hazards for it.

George Goring.

*Master Percies Letter written to the Earle of Northumberland,
June 14, 1641.*

WHat with my own innocency and the violence I heare is against me, I find my self much distracted, I will not ask your counsell, because it may bring prejudice upon you; but I will with all faithfulnessse and truth tell you what my part hath bin, that at least I may be cleared by you whatsoever becomes of me.

F f

When

When there was 50000 pound designed by the Parliament for the *English* Army, there was as I take it a sudden demand made by the *Scots* at the same time of 25000 pound, of which there was but 15000 pound ready, this they pressed with so much necessity as the Parliament after an Order made, did think it fit for them to deduct 10000 pound out of the fifty formerly granted, upon which, the Souldiers in our house were more scandalized, amongst which I was one, and sitting by *Wilmot* and *Ashburnham*. *Wilmot* stood up and told them, if such papers as that of the *Scots* would procure moneys, hee doubted not but the Officers of the *English* Army might easily doe the like, but the first Order was reversed notwithstanding, and the 10000 pound given to the *Scots*; this was the cause of many discouries of dislike amongst us, and came to this purpose, that they were disobliged by the Parliament; and not by the King. this being said often one to another, we did resolve, that is *Wilmot*, *Ashburnham*, *Pollard*, *Oncale*, and my selfe to make some expression of serving the King in all things he would command us, that were honourable for him and us, being likewise agreeable to the fundamentall Laws of the Kingdom, that so farre wee should live and die with him. This was agreed upon by us, not having any communication with others. that I am coupled now with all; and further, by their joyned consent I was to tell His Majesty thus much from them; but with all I was to order the matter so, as that the King might apprehend this as a great service done unto him, at this time when his affairs were in so ill a condition, and they were most confident that they could ingage the whole Army thus far, but farther they would undertake nothing because they would neither infringe the liberties of the Subject, or destroy the Laws, to which I and every one consented; and having their sence, I drew the Heads up in a paper, to which they all approved when I read it; and then we did by an Oath promise to one another to be constant and secret in all this, and did all of us take that Oath together. Well, Sirs, I must now be informed what your particular desires are, that so I may be the better able to serve you, which they were pleased to do, and I did very faithfully serve them therein, as far as I could: this is the truth and all the truth upon my soul. In particular discourses after that, wee did fall upon the petitioning the King and Parliament for money, there being so great Arrears due to us, and so much delays made in the procuring of them, but that was never done.

The preserving of Bishops Functions and Votes.

The not disbanding of the *Irish* Army, untill the *Scots* were disbanded too.

The endeavouring to keele his Revenue to that proportion it was formerly, and it was resolved by us all, if the King should require our assistance in these things

things that as far as we could, wee might contribute thereunto without breaking the Laws of the Kingdom, and in case the King should deny these things being put to them, we would not flie from him.

All these persons did assent and concur in this as well as I. This being all imparted to the King by me from them. I perceived he had bin treated with by others concerning something of our Army, which did not agree with what we proposed, but inclined a way more high and sharp, not having limits either of Honour or Law, I told the King he might be pleased to consider with himself, which way it was fit for him to hearken unto. For us we were resolved not to depart from our grounds, and if he employed others wee should not be displeased whosoever they were: but the particulars of their designe, or the persons, we desired not to know, though it was no hard matter to guesse at them; in the end I believe the dangers of the one, and the justice of the other, made the King tell me he would leave all thoughts of other propositions but ours, as things not practicable, but desired notwithstanding that *Goring* and *Iermyn*, who were acquainted with the other proceedings, should be admitted amongst us: I told him I thought the other Gentlemen would never consent to it, but I would propose it; which I did, and wee were all much against it; but the King did presse it so much, as at the last, it was consented unto, and *Goring* and *Iermyn* came to my chamber, there I was appointed to tell them, after they had sworn to secrecy, what wee had proposed, which I did: but before I goe on to the debate of the ways I must tel you. *M. Iermyn* and *Goring* were very earnest *Suckling* should be admitted, which we did all decline; and I was desired by all our men to be resolute in it, which I was, and gave many Reasons; whereupon I remember Master *Goring* made answer, hee was so ingaged with *Suckling*, he could not go or do any thing without him. Yet in the end, so that we would not oppose *Suckling* his being employed in the Army, that for his meeting with us they were contented to passe it by. Then we took up again, the ways were proposed, which took a great debate, and theirs (I will say) differed from ours in violence, and height, which we all protested against and parted, disagreeing totally; yet remitting it to be spoken of by me, and *Iermyn*, to the King, which we both did. And the King constant to his former resolution told him, that all those ways were vain and foolish, and would think of them no more. I omitted one thing of Master *Goring*, he desired to know, how the chief Commanders were to be disposed of, for if he had not a condition worthy of him, hee would not go along with us, wee made answer that no body had thought of that, we intending if we were sent down, to go all in the same capacity wee were in: he did not like that by no means, and upon that did work so by *M. Chidley*, that there was a Letter sent by some of the Commanders to make him

Lieutenant Generall : and when he had ordered this matter at *London*, and *M. Chudley* had his Instructions, then did he go to *Portsmouth* pretending to be absent when this was a working : we all desired my Lord of *Essex* or my Lord of *Holland*, and they (if there were a Generall) *Newcastle*. They were pleased to give out a report I should be Generall of the Horse; but I protest, neither to the King or any else did I ever so much as think of it : my Lord of *Holland* was made Generall and so all things were laid aside: and this is the truth, and all the truth I know of all these proceedings; and this I do and will protest upon my faith; and *Wilmot*, *Ashburnham*, and *Ornel* have at severall times confessed and sworn I never said any thing in this businesse they did not every one agree unto, and would justifie. This Relation I send you, rather to inform you of the truth of the matter, that you may know the better how to do me good : But I should think my self very unhappy to be made a betrayer of any body; what concerned the Tower or any thing else I never medled withall, nor never spoke with *Goring*, but that night before them all : and I said nothing but what was consented unto by all my party. I never spoke one word to *Suckling*, *Carrarum*, *Davenant*, or other creature : mee thinks if my friends and kindred knew the truth and justice of this matter, it were no hard matter to serve me in some measure.

Die Martis 10, Maii, 1641.

The Examination of Captain James Chudleigh.

To the first Interrogatory, and to the second;

THis Deponent saith, That about *March* and *April* last hee was at *Burroughbridge*, where divers Officers and Commanders of the Army met, to whom he used some speeches concerning the Parliament, that hee saw no probability that the Army would be suddenly paid by the Parl. because they had promised so much to the King, and to the *Scots*. as well as to the Army; but that the King did commiserate their case, and said, That if they would be faithfull to him, he would pawn his Jewels rather then they should be unpaid; and saith further That he knows of such a Letter sent by the Army to my Lord of *Northumberland*, to be shewed to the Parliament; and that he told them at that meeting, that the Parliament was much displeased with that Letter, and that those who had subscribed it should be sent for up particularly, that my Lord of *Essex*, and my Lord of *Newport* had expressed much dislike of that Letter. and of them who had sent it, and said, that they had forfeited their necks : which he had from Sir *John Suckling*, Master *Davenant*, and (as he conceives) from Sergeant Major *Willis* : And this hee declared to those Officers as giving them

an account of his journey, and the service in which they had employed him.
To the third. He saith he hath answered before.

To the fourth. That Serjeant Major *Willis* told him upon the way, as they were in their journey down into the North, that Colonell *Goring* was a brave Gentleman, and fit to command the Army, and that the King had a good inclination to him, that he should be Lieutenant Generall; and saith further, that before he came out of *London* Sir *John Suckling* had likewise highly commended him, and said he was fitter to command in chiefe, then any man hee knew, and that the Army was not now considerable, being without a head, and indeed was but a party (Colonell *Goring* being away) who commanded a Brigado, and that they did indiscreetly to shew their teeth except they could bite, which the said Sir *John Suckling* wished him to declare unto the Army, saying, He could not do a better service to the Officers who had imployed him, then to let them know it, whereupon he did acquaint them with it accordingly.

To the fifth. That Sir *John Suckling* brought him into some roome of the Queens side at *White Hall*, where Master *Jermyn* and he had private conference together, and oftentimes looked towards this Deponent: Sir *John Suckling* afterwards told him, that the King would be well pleased if the Army would receive Colonell *Goring* to be their Lieutenant Generall, and said that M. *Henry Jermyn* said so.

To the sixth. That M. *Davenant* told him, that things were not here as they were apprehended in the Army, for that the Parliament was so well affected to the *Scots*, as that there was no likelihood the Army should have satisfaction so soon as they expected it.

To the seventh. That when hee brought the Letter from the Army, hee met with Master *Davenant*, who told him it was a matter of greater consequence then he imagined, and thereupon brought him to Master *Henry Jermyn* and Master *Jermyn* told him hee heard hee brought such a Letter, and asked to see a Copy of it, which this Deponent did shew unto him and Master *Jermyn* asked if he might not shew it to the Queen, and offered to bring this Deponent to her, which hee excused himselfe of, lest hee should have anticipated my Lord Generall from shewing the Letter first himselfe.

To the eighth. That after he had brought up that Letter, he staid some 8 or 9 days in *London* before he returned down to the Army.

To the ninth. That Serjeant Major *Willis* told him most of the Noble Gentlemen in *England* would shew themselves for the Army: And that the *French* that were about *London* would receive Commanders from them, to joyn with them: And besides, that there would a thousand horse likewise be raised to come to their assistance, which horse at last he confessed were to be found by the Clergy.

To the tenth. That Serjeant Major *Willis* said moreover, that the Army would be very well kept together, for that the Prince was to be brought thither, which would confirme their affections : which this Deponent did declare at *Burton-bridge* unto the Officers, and doth believe *Willis* did the like, and *Willis* told them also, that if my Lord of *Newcastle* was their Generall, he would feast them in *Nottinghamshire*, and would not use them roughly, but that they should be governed by a Councell of War.

To the eleventh. That both Serjeant Major *Willis* and this Deponent, did perswade the Officers at that meeting, to write a Letter to Colonell *Goring*, which was to let him know, that they would heartily imbrace him to be their Lieutenant Generall, if it was His Majesties pleasure to send him down, which Letter was subscribed by Colonell *Fielding* and Colonell *Vavasour*, and divers others ; and was by him brought to *London* upon Monday, where not finding Colonell *Goring*, he delivered it to Sir *John Suckling*, who caried it to the King, and afterwards brought him to kisse the King and Queens hands and within a day or two returned the Letter to him againe, which Letter this Deponent the Saturday after carried downe himselfe to Colonell *Goring* to *Portsmouth*.

To the twelfth. That there was likewise a Letter written to Master *Endimion Porter*, assigned by Colonell *William Vavasour* and Colonell *Fielding*, which was to this effect, to desire him to inform His Majestie, that the Army was very faithfull to him, and no doubt need be made by His Majestie concerning their proceedings. This Letter Sir *John Suckling* would not have to be delivered, but took it himself, for that he said Master *Porter* knew nothing of the Kings intentions.

To the fourteenth. That when he came to *Portsmouth*, Colonell *Goring* shewed him the strength of that place, and told him, that if there should bee any mutiny in *London* the Queen meant to come down thither for her safety, and that she had sent him down money to fortifie it.

To the fifteenth. That what hee learned from Serjeant Major *Willis*, hee got from him by degrees, as he urged it from him by way of discourte ; and that *Willis*, Sir *John Suckling* ; and Mr. *Davenant*, did all of them give him great charge to keep things secret, and to be very carefull to whom he communicated any thing, which he accordingly observed ; for he dealt with the Officers there severally.

James Chudleigh.

This Examination taken in the presence of Us, *Essex. Warwick. P. Howard. W. Howard.*

Die

Die Martis 18. Maii.

The second Examination of Captaine Chudleigh.

To **T**Hat at the meeting at Burrowbridge, he declared unto the Officers
the 31. some thing out of a paper, which he read, and told them that hee
 had received it from *M. Iermyn*, and that *Mr. Iermyn* had received it from the
 King. And hee said likewise, that some others about the King were acquainted
 with it, and named *Mr. Endimion Porter*, to whom he thought the King had
 declared in this businesse.

To *the 34.* That *Mr. Iermyn* asked him, if hee thought the Army would stick
 to their Officers, in case the king and Parliament should not agree, or words
 to that effect.

He saith further, that he had set downe all those things in writing, which hee
 declared to the Officers at Burrowbridge and thought to have sent it downe to
 them; but upon better consideration he went himselve and read it to them out
 of that paper, but severally, and not to them all together. And particularly,
 that he read it to *Lieutenant Colonell Ballard*, and to *Lieutenant Colonell*
Lunsford. That he did not acquaint them all with it, and the reason why he
 did not, was because he conceived some were of more judgement than others,
 and fitter to be trusted with matters of secrecie.

James Chudleigh.

Essex, Warwicke. W. Say and Seale. Howard.

*The Examination of Thomas Ballard. Lieutenant Colonell to the Lord
 Grandison, taken May 18. 1641.*

To **T**Hat he did meet at Burrowbridge, being sent to by *Captaine Chidley*
the 19. and none other but he found there Serjeant Major *Willis* and divers
 other Officers of the Army: this was sometime in Aprill last as he remembreth.

To *the 20.* That *Mr. Chidley* did propound to him certaine propositions,
 which as he affirmed, hee did receive from *Mr. Henry Iermyn*, and from ano-
 ther great man which he might not name. *Captaine Chidley* further said that
M. Iermyn told him that he received those propositions from the King; But
Chidley told him further, that when he kissed the Kings hand his Majestie said
 nothing to him of any such propositions. The first proposition was, That he
 should not acquaint either *Sir Jacob Ashley*, or *Sir John Conyers*, with any
 thing of this designe. The second, that if there were occasion, the Army should
 remove their Quarters into Nottingham-shire where the Prince and the Earle
 of New-Castle should meet them with a thousand Horse, and all the French
 that were in London should bee mounted, and likewise meet them. These pro-
 positions were read by *Captaine Chidley*, out of a paper, which hee said he had
 written

written himselfe. thinking to have sent them downe; but upon better consideration hee brought them downe himselfe. That they likewise should desire, that Colonell *Goring* should be the Lievtenant-Generall to the Army: There was likewise offered a Paper to this effect, as hee was then told, That if the King would send Colonell *Goring* to bee Lievtenant-Generall, they would accept of him; which Paper he, this Examinat. refused to read, or to set his hand to it: but heard that divers others signed it. He further saith, that there was no other Paper propounded to him to be signed, nor to any other to his knowledge. Hee further saith, that this was not delivered to the Officers in publique but severally.

He likewise saith, That presently after Colonell *Vaughan* said publicly, that hee never consented to these propositions in his heart, and desired that there might be a meeting immediately, whereupon they agreed upon a meeting at York the Wednesday following, at which meeting they generally concluded not to interresse themselves in any of those designs that had been propounded to them by Captaine *Chidley*; and they presently writ by the Post to Captaine *Chidley* to London, that if hee had not delivered the Paper, he should forbear to deliver it.

Thomas Ballard.

The Examination of Captaine Legg, taken May the 18. 1641.

To the **H** HE saith, That hee heard of a meeting at Burrowbridge, but
 19 Inter was not there present, but was present at another meeting at York not long after, where he was told that the King was not well satisfied with the affections of the Officers to his service; and therefore it was thought fit, to make a Declaration of their readinesse to serve his Majestie; which declaration was accordingly drawne, but not finding any great cause for it, it was after torne. Hee further saith, That the night before the meeting at Burrowbridge, hee spoke with Captaine *Chidley* at York, who perswaded him to goe to Burrowbridge, where he had propositions to impart to the Army; but this Examinee refusing to goe, hee would not acquaint him with them at that time; but told them that divers Lords and Officers of the Army were fallen off from the King, naming the Earle of Essex, the Earle of Newport, Commissary *Willmott*, Colonell *Ashburnham*, and others, which this Examinee so much disliked, that they forbore any further discourse.

Will. Legg.

The Examination of Colonell Vavasour, taken the 29 of May, 1642.

That at the meeting at Burrowbridge, Serjeant Major *Willis* and Capitaine *Chidley*, or one of them, told the Officers there, that the Parliament had taken great offence at the Letter which they had written up to my Lord of Northumberland; and that those who had subscribed it, should be questioned, and that there was small hopes of money from the Parliament for the present.

That the King would take it very well, if he might receive assurance from them, that they would accept of Colonell *Goring* for their Lieutenant Generall, and wished that the Army were united.

When the King had this assurance from them, there should come a Generall that would bring them money, this they said they had good Commission to deliver unto them, having received it from Mr. *Henry Iermyn* and Sir *John Suckling*, he likewise saith Capitaine *Chidley* spake it with more confidence, and Serjeant Major *Willis* rather as having heard it from others; he further saith there was a Letter written to Colonell *Goring*, for to let him know if the King would send him downe with a Commission to be Lieutenant Generall, they would willingly receive him, and this Letter was proposed unto them by Capitaine *Chidley* and Serjeant Major *Willis*. There was another letter written to Mr. *Endimion Porter*, which as he remembers was to let him know, that though the Army was now commanded by Sir *Jacob Ashley*, yet if that it were his Majesties pleasure to appoint Colonell *Goring* to be Lieutenant Generall, they were confident the Army would receive him the better, being only subscribed by Colonell *Fielding* and himselfe. And further sayth that he heares this Letter was never delivered, for that Sir *John Suckling* told Master *Chidley* that Master *Porter* was a stranger to the businesse. Colonell *Vavasor*.

This Examination taken afore Vs, *Mandreville*.

Howard. Ph. Wharton,

Charles R.

Colonell *Goring* these are to command you to provide with all speed a ship for this Bearer to carry him to Diepe or Calais or any other Port of France, that the winde may be good for, and if there be any of my ships or Pinnaces, ready to goe forth, you shall command the Captain or Master of such ship or Pinnace to receive him and his servants and carry him into France, for which this shall bee a warrant to the Captain or Master you may employ, and hereof you nor they are not to faile as you or they will answer the contrary at your perills.

Given at White-Hall this 14. of May, 1642.

To our Trusty and Well-beloved Servant
George Goring Governour of Portsmouth.

G R

The

written himselfe, thinking to have sent them downe; but upon better consideration hee brought them downe himselfe. That they likewise should desire, that Colonell *Goring* should be the Lieutenant-Generall to the Army: There was likewise offered a Paper to this effect, as hee was then told, That if the King would send Colonell *Goring* to bee Lieutenant-Generall, they would accept of him; which Paper he, this Examinat. refused to read, or to set his hand to it: but heard that divers others signed it. He further saith, that there was no other Paper propounded to him to be signed, nor to any other to his knowledge. Hee further saith, that this was not delivered to the Officers in publique, but severally.

He likewise saith, That presently after Colonell *Vaughan* said publicly, that hee never consented to these propositions in his heart, and desired that there might be a meeting immediately, whereupon they agreed upon a meeting at York the Wednesday following, at which meeting they generally concluded not to interresse themselves in any of those designs that had been propounded to them by Captaine *Chidley*; and they presently writ by the Post to Captaine *Chidley* to London, that if hee had not delivered the Paper, he should forbear to deliver it.

Thomas Ballard.

The Examination of Captaine Legg, taken May the 18. 1641.

To the
19 Inter **H** HE saith, That hee heard of a meeting at Burrowbridge, but was not there present, York not long after, not well satisfied with the affections of fore it was thought fit, to make a Decl Majestie; which declaration was accor great cause for it, it was after to me. H the meeting at Burrowbridge, hee spoke perswaded him to goe to Burrowbridge, to the Army; but this Examineate refused him with them at that time; but told th the Army were fallen off from the King, 1 of Newport, Commissary *Willmott*, Colonell *Asburnham*, and others, which this Examineate so much disliked, that they forbore any further discourse.

Will. Legg.

IRREGULAR

PAGINATION

The Examination of Colonell Vavasour, taken the 29 of May, 1642.

That at the meeting at Burrowbridge, Serjeant Major *Willis* and Capitaine *Chidley*, or one of them, told the Officers there, that the Parliament had taken great offence at the Letter which they had written up to my Lord of Northumberland; and that those who had subscribed it, should be questioned, and that there was small hopes of money from the Parliament for the present.

That the King would take it very well, if he might receive assurance from them, that they would accept of Colonell *Goring* for their Lieutenant Generall, and wished that the Army were united.

When the King had this assurance from them, there should come a Generall that would bring them money, this they said they had good Commission to deliver unto them, having received it from Mr. *Henry Iermyn* and Sir *John Suckling*, he likewise saith Capitaine *Chidley* spake it with more confidence, and Serjeant Major *Willis* rather as having heard it from others; he further saith there was a Letter written to Colonell *Goring*, for to let him know if the King would send him downe with a Commission to be Lieutenant Generall, they would willingly receive him, and this Letter was proposed unto them by Capitaine *Chidley* and Serjeant Major *Willis*. There was another letter written to Mr. *Endimion Porter*, which as he remembers was to let him know, that though the Army was now commanded by Sir *Jacob Ashley*, yet if that it were his Majesties pleasure to appoint Colonell *Goring* to bee Lieutenant Generall,

the Army would receive him the better, being only sub-
Fielding and himselfe. And further sayth that he heares
delivered, for that Sir *John Suckling* told Master *Chidley*
was a stranger to the businesse. Colonell *Vavasour*.

This Examination taken afore Vs, *Mandeville*.

Howard. Ph. Wharton.

Charles R.

These are to command you to provide with all speed a ship
to carry him to Diepe or Calais or any other Port of
France, that the winde may be good for, and if there be any of my ships or
Pinnaces, ready to goe forth, you shall command the Captain or Master of
such ship or Pinnace to receive him and his servants and carry him into France,
for which this shall bee a warrant to the Captain or Master you may employ,
and hercof you nor they are not to faile as you or they will answer the contrary
at your perills. Given at White-Hall this 14. of May, 1642.

To our Trusty and Well-beloved Servant
George Goring Governour of Portsmouth.

G B

The

The Examination of Captaine William Legg, taken upon Oath before the Lords Committees upon Saturday the 30. of October, 1641.

To the first. Saith, That hee doth know Master Daniel Oneale who was Ser-
Interrog. Jeant Major to Sir John Conniers: but doth not certainly remember
the precise time of his going from the Army to London nor of his return back,
but beleeves he returned about June and July.

To the ninth. That hee was at Yorke when the said Master Oneale returned
thither from London and can say no more to this ninth Interrog.

To the tenth. That there was a Petition prepared to be delivered to the
Parliament from the Army, which consisted of many particulars, as to shew
how much they suffered for want of Martiall Law, and for want of pay, and
because their principall Officers were not amongst them, and they did likewise
set forth in it, That as the wisdom of the King did cooperate with the Parlia-
ment, So they did hope the Parliament would doe something concerning the
Kings Revenue; but saith he doth not remember what the particular was
which was desired, and further that they heard of great tumults about Lon-
don, and therefore offered themselves to serve the King and Parliament: with
the last drop of their bloods. He saith that this Petition was approved of by
all the Officers; that saw it, but was laid aside till further consideration should
be had of the manner of the delivery That himselfe was afterwards sent for to
London by order of the house of Commons, and was examined, and after his
examination, when hee saw there was no further use to be made of that Peti-
tion hee burnt it.

Hee farther saith, That he staid in this Towne some five or sixe dayes, and
was with the King, and had some speech with His Majesty about a Petition to
come from the Army, and gave him an accompt of the Petition that was for-
merly burnt, and there he received another Petition to the same effect with the
other, but handsomlier written, upon which there was a direction indorsed to
this purpose. This Petition will not offend, yet let it not be shewn to any but
Sir Jacob Aspley.

He farther saith, there was no name to this direction but only two Letters,
but what those letters were, he will not say nor cannot sweare who writ those
two Letters, because he did not see them written.

He saith, he did deliver the same paper with a direction to Sir Jacob As-
pley, and told him withall, here is a paper with a direction, you know the
hand, keepe it secret, I have shewed it to no body, if there be no occasion to use
it, you may burne it, and saith, he spake no more of it to him, till after my Lord
of Holland comming downe to be Generall, and then he spake to him to
burne it.

William Legg.

The

*The Examination of Sir Jacob Ashley, taken before the Lords Committees
this twenty ninth of October, 1641.*

To the first Interrog. He saith, that he hath known Serjeant Major Daniel Oneall very long, and that he was long absent from the Army the last Summer, but knows not at what time he did returne, nor knows not how long it was that he stayed in the Army before his going into the Low Countries, but thinkes it to be about three weeks.

To the second Interrog. He saith that Mr. Oneale told him after his coming down last, that things being not so well betwixt the King and Parliament, he thought a Petition from the Army might doe very much good, and asked him if a draught of such a Petition were brought unto him, whether he would set his hand unto it, the particulars which he desired to have the Army received in, were the want of Martiall Law, want of pay, and for words spoken in the House of Parliament against the Army, as that the City was disaffected to the Kings Army, and would rather pay the Scots then them.

To the 3. Inter. He cannot answer. *To the 4. Inter.* He cannot answer.

To the 5. Inter. He saith that he received a Letter by the hands of Captaine Legg, the tenour whereof as farre as he remembers was to this effect, the Letter being written in two sides of paper and somewhat more, first that divers things were pressed by parties to insule into the Parliament things to the Kings disadvantage, and that divers tumults and disorders were neere the Parliament to the disservice of the King, divers other particulars were contained in this Letter, and in the close of this Letter, it was recommended to this Examinee that he should get the hands of the Officers of the Army to such a declaration to be sent to the Parliament, and that this would be acceptable to the King. Hee further saith, he knowes not of whose hand writing it was, nor who delivered it to Captaine Legg.

To the 7. Inter. He saith that Mr. Oneal telling him of the dislikes which were between the King and the Parliament, and of those things which were done to the disadvantage of the King, they must fight with the Scots first, and beat them before they could move Southward; and that done, they must spoyle the Countrey all along as they goe, and when they doe come to London, they would find resistance by the Parliament and the Scots might rallie and follow them: to which Oneale replied, what if these Scots could bee made neutrall? This Examinee then said, that the Scots would lay him by the heeles, if hee should come to move such a thing, for that they would never breake with the Parliament.

Presently replied; I wondred that Counsels should be so laid as had been spoken of: of the marching of the Army to the South.

8. *Inter. D.* Hee further sayes that there was at the end of the Letter a direction to this effect. Captaine or *William Legg* I command you that you shew this Letter to none but *Jacob Ashley*, above this direction were set these two Letters. *C. R.* *Jacob Ashley.*

The Examination of Sir John Coniers, taken upon Oath before the Lords Committees upon Friday the 29. of October 1641.

T*O the first Interrog.* He saith, that he knows very well Master *Daniel O-Neale*, who was Serjeant Major to his Regiment, that the said *O-Neale* came up to London about November last, and returned to the Army about Midsummer.

To the second, That *O-Neale* after his returne to the Army in Summer, spake twice unto this examinant of a Petition to be sent from the Army to the Parliament, and told him that because they did not know if himselfe would consent unto it, they would first petition him, that he would approve of it, but that as yet there were but few hands to that Petition, which was to be preferred to him; and therefore would not shew it him.

To the fourth, That the said *O-Neale*, used perswasions to this Examinant, that he would serve the King, that if he did not, he should be left alone, and would but ruine himselfe; for that all the Troops under him were that way inclined: That therefore he should adhere to the King, and goe those wayes that the King would have him, or words to that effect.

To the fifth, That he saw a paper, containing some directions for a Declaration to be subscribed unto by the Officers of the Army: which paper was in Sir *Jacob Ashley*'s hand; he saith, it was long, containing two sides of a sheet of paper or thereabout: the effect whereof was something concerning Martiall Law, and better payment for the Army, together with some other particulars; that it was to be directed to the Parliament, and that there were two Letters, viz. *C. R.* at the end. That he doth not know who brought it unto Sir *Jacob Ashley*, but that both of them were very much troubled at it. He saith further, that there was a direction at the end of the writing, that no body should see it but Sir *Jacob Ashley*; and the two Letters *C. R.* were as he remembers to that direction, but whether before or after that direction he cannot affirme.

To the seventh, That he never heard Master *O-Neale* himselfe speake of his going to *New-castle*, but that he heard it from others, and as he takes it from his wife the Lady *Coniers*, and that whosoever it was that told him so, told him withall, that *O-Neale* himselfe said so.

The second examination of Sir John Coniers, taken before the Lords Commissioners upon Saturday the 30. of October.

TO the fourth inter. That Master *O-Neale* said to him, that if he this Examinant, had been well known to the King, the King would have written to him, and therefore he conceived, this Examinant should doe well to write unto the King; to which he replied, That he could not serve the King in that point, and therefore he thought, it would be of no use, to trouble the King with his Letters.

To the fifth. That the paper mentioned in his former examination to have been seene by him in Sir *Jacob Ashley's* hand, contained directions for a Petition to be presented to the King and Parliament: In which, was a clause to this effect, That whereas all men ought to give God thanks for putting it into the Kings heart, to condescend to the desires of the Parliament, not only to deliver up unto them many of his servants and others, who were neere unto him, to be at their disposing, but also to doe many things, which none of his Ancestors would have consented unto, as giving way to the Trienniall Parliament: and granting many other things for the good of his Subjects, yet notwithstanding some turbulent spirits, backt by rude and tumultuous mechanick persons, seemed not to be satisfied, but would have the totall subversion of the government of the State, that therefore the Army, which was so orderly governed, notwithstanding they had no martiall Law, and ill payment, and but few Officers, being of so good comportment, might be called up to attend the Person of the King and Parliament for their security. This Examinant further saith, that there were many other passages in this Petition which he doth not now remember, only that there was some expression of a desire, that both Armies should be disbanded for the ease of the Kingdome; and likewise a direction, to procure as many of the Officers hands, as could be gotten.

To the seventh, That he remembers well it was not his wife, but Sir *Jacob Ashley*, that said to him those words. *O-Neale* goes, or else *O-Neale*, saith he, will goe to *New-castle*; but which of the sayings it was, he doth not well remember; but saith he replied to it, that *O-Neale* said nothing to him of that.

This examinant further saith, that he tooke occasion upon these passages from *O-Neale*, to command him and Sir *John Bartlet*, and all the other Officers to repaire to their Quarters, to be ready to perfect their accounts with the Countrey against the time they should be called for. *Io. Coniers.*

*The Examination of Sir Foulke Huncks, taken before the Lords
Committees upon Friday, Octob, 29. 1641.*

TO the first Interrog. he saith, that he doth well know Master *Daniel O. Neale*, who was Serjeant Major to Sir *John Corners*; That he went from the Army to London about the time that the King came out of the North to the Parliament; and that he returned againe to the Army, about that time when Commiffarie *VVilmor* and the other Souldiers were committed by the Parliament.

To the second. That the said *O-Neale* perswaded him this Examinant to take part with the King, or something to that purpose; and that thereupon this Examinant acquainted the Lieyenant Generall with it. and presently repaired to his owne quarter. to keepe the Souldiers in order; where he staid not above two or three dayes, till he heard that; *O-Neale* was fled. Hee further saith that *O-Neale* dealt with him to have the Troops move; To which hee replied, that he had received no such direction from his Superiours, nor from the King: And that then he offered him a paper, and pressed him to signe it; whereupon he this examinant asked, if the Generall. or Lievtenant Generall had signed it; to which *O-Neale* answering they had not. he said, that hee would not be so unmannerly as to signe any thing before the *u*, and refused to reade it. He saith likewise that Captain *Armstrong* was present at the same time, and that *O-Neale* offered it to him; who looking upon the Examinant, this Examinant did shake his head at him, to make a signe that he should not doe it, and withall went out of the roome: and *Armstrong* afterwards refused it, giving this reason, That he would not signe it when his Colonell had refused it; which he told this Examinant.

To the third. he saith. That *O-Neale* told him he had very good authority for what he did; but did not tell him from whom.

To the seventh. That Master *O-Neale* told him he was to goe to the Scottish Army, but saith he doth not know for what end and purpose hee would goethither; for that he this Examinant shunned to have any thing more to doe with him.

Foulke Huncks,

*The Examination of Sir William Balfour Lievtenant of the Tower,
taken the second of June.*

TO the first Interrog. he saith he was commanded to receive Captain *Billingley* into the Tower with 100. men for securing of the place and that he was told they should be under his command.

To the second Interrog. he saith. The Earle of Strafford told him it would be dangerous in case he should refuse to let them in.

To the third Interrog. He referreth himself to the former depositions of the three women, taken before the Constable and himself. And further saith. That the Earle of Strafford himselfe, after he had expostulated with him for holding Master *Slingsby* at the tower gate; and after his telling the said Earle he had reason so to doe, in regard of what the women had desposed, by which it appeared there was an escape intended by his Lordship; himselfe acknowledged hee had named the word *Escape* twice or thrice in his discourse with Master *Slingsby*, but that hee meant it should be by the Kings authority, to remove him out of the Tower to some other Castle; and that he did ask Master *Slingsby* where his brother was, and the ship.

To the fourth Interrog. This Examinant saith, the Earle of Strafford sent for him some three or foure dayes before his death, and did strive to perswade him that he might make an escape; and said, for without your connivence I know it cannot be: and if you will consent thereunto, I will make you to have 20000. pounds paid you, besides a good marriage for your sonne. To which this Examinee replied: he was so farre from concurring with his Lordship, as that his honour would not suffer him to connive at his escape; and withall told him, hee was not to be moved to hearken thereunto. *VV. Balfour.*

Ex. in presence of us, Essex. Warwick. L. VVharton. Mandevile.

James Wadsworth lies at the halfe Moone in Queens-street, at Cockets house
a Joyner divers Officers lye, which is the next doore.

Coll. Lindsey.

Capt. Kirk.

Die Martis 4. Maii 1641.

James wadsworth,

HE saith that one Ancient Knot told him severall times the last week, that Sir *John Suckling* was raising of Officers for three Regiments for Portugall: and saith that hee this Examinant was at the Portugall Ambassadours on Sunday last, and then the Ambassadour told him that he knew not Sir *John Suckling*, nor any thing at all of Sir *John Sucklings* raising of men for Portugall; and the Ambassadour himself had no Commission to treat for any men till he heard out of Portugall.

Tuesday

Tuesday the 11. of May, 1641

The Examination of John Lanyon.

HE was upon Easter Eve last, and severall times since, troubled by Captaine *Billingsey* to enter into an expedition for *Portugall* with Sir *John Suckling*. And when this Examinant told him that he was His Maiestties servant, and could not goe without leave, Captaine *Billingsey* bid him take no care for that, he should have leave procured, and further desired him to get as many Canoneers as he could.

This Examinant doubting whether they were reall in that Designe, repaired to the Portugall Ambassadors, and there understood from his Secretary, that he was willing to have men, but they knew neither Sir *John Suckling*, nor Captaine *Billingsey*; neither had they from them any Commission to raise men.

He likewise saith, that Captaine *Billingsey* did after sollicite this Examinant to come to Sir *John Suckling*, and that upon Sunday was fennight last Sir *John Suckling* and Captaine *Billingsey*, with many other Officers, repaired unto his house in the afternoone, and there staid two houres at least; The Examinant not coming in, they left a note he should be with them that night at the Sparagus Garden at Supper; whereof this Examinant failing, Captaine *Billingsey* comes againe to his house the Monday morning, and not finding him there, left word that he must needs come to the Covent Garden to Sir *John Sucklings* lodging, which accordingly he did; but not finding him there, the same day he was with Captaine *Billingsey* at the Dog Tavern in Westminster, at which time he did farther appoint this Examinant upon Wednesday, to promise Sir *John Suckling* a meeting at the Dolphin in Grays Inne lane about nine of the clock in the forenoon. where the same day came some thirty more which were appointed by Sir *John Suckling* and Captaine *Billingsey*; but neither Sir *John Suckling* or *Billingsey* came, only there came one and gave them money, and so dismiss them for the present.

This Examinant further saith, that Captaine *Billingsey* having notice that he had some store of Armes of his owne, told him, Sir *John Suckling* would buy them all, if he pleased to sell them.

Captaine *Billingsey* likewise told this Examinant, that Sir *John Suckling* had furnished himselfe for money, and all the company.

John Lanyon.

Quarto

Quarto die Maii, 1641.

E*lizabeth Nutt*, wife of *William Nutt* of Tower-street London Merchant, and *Anne Bardsey* of Tower-street afore-said Widow, say, that they being desirous to see the Earle of *Strafford*, came to *Anne Vyner*, Wife of *Thomas Vyner* Clerke to the Lievtenant of the Tower, whose lodging being neere to the Kings Gallery, where the said Earle useth to walke, carried them to a back doore of the said Gallery, the said Earle with one other being then walking. And they three being then there, and peeping through the key hole and other places of the doore to see the said Earle, did heare him and the said other party conferring about an escape, as they conceived, saying, that it must be done when all was still, and asked the said party where his brothers ship was, who said she was gone below in the River, and heard him say, that they three might be there in twelve houres, and doubted not to escape if some thing which was said concerning the Lievtenant of the Tower, were done; but what that was, as also where they might bee in twelve houres, they could not heare by reason that when they walked further off, they could not perfectly heare. And the said Mistris *Nutt* and Mistris *Bardsey* say, that they heard the said Earle then say, that if this Fort could be safely guarded or secured for three or foure moneths, there would come ayde enough: and diuers other words tending to the purposes afore-said, which they cannot now remember.

And further all of them say, that they heard the said Earle, three times mention an escape, saying, that if any thing had beene done, his Majestie might safely have sent for him; but now there was nothing to be thought on, but an escape: And heard the said other partie telling his Lordship, that the outward gates were now as surely guarded as those within. To whom the said Earle said, the easier our escape that way, pointing to the East, if the said party and some others should obey the directions of the said Earle: But what those were they know not; but heard the said party answer, they would doe any thing his Lordship should command.

Anne Vyner,

Anne Bardsey,

Signum.

Elix. E. N. Nutt.

H h

The

The Superscription of the Letter.

*For my worthy Friend Sir Lewes Dyves Knight, at the Earle of
Bristols House in Queens Street.*

Dear Brother,

London.

I Hope you have received the Letter which I wrote unto you from aboard Sir *John Pennington*, wherein I gave you account of the accident of *O. Neals* man, and why I thought fitting to continue my journey into *Holland*; going still upon this ground, that if things goe on by way of accommodation, by my absence the King will be advantaged: If the King declare himself, and retire to a safe place, I shall be able to wait upon him from hence, as well as out of any part of *England*, over and above the service which I may doe him here in the meane time. Besides that I found all the Ports so strict, that if I had not taken this opportunity of Sir *John Penningtons* forwardnesse in the Kings service, it would have bin impossible for mee to have gotten away at any other time.

I am now here at *Middleborough*, at the Golden Fleece upon the Market, at one *George Petersons* house, where I will remayn till I receive from you advertisement of the state of things, and likewise instructions from their Majesties; which I desire you to hasten unto me by some safe hand: and withall to send unto me a Cypher, whereby we may write unto one another freely. If you knew how easie a passage it were, you would offer the King to come over for some few days your selfe. God knows I have not a thought towards my Country to make me blush, much lesse criminall; but where Traitors have so great a sway, the honestest thoughts may prove most treasonable.

Let *Dick Sherley* be dispatcht hither speedily, with such black cloathis and linnen as I have: and let your Letters be directed to the Baron of *Sherborn*, for by that name I live unknown. Let care be taken for Bills of Exchange.

Middleborough
Jan. 20, 1641.

Yours.

*The Examination of Owen Connelly Gentleman taken before us
whose names ensue the 22 of October, 1641.*

VV Ho being duly sworn and examined, saith that he being at *Mommere* in the County of *London-Derry* on Tuesday last, he received a Letter from Col. *Hugh Ogemacmahon*, desiring him to come to *Connagh* in the County of

of *Monaghan*, and to be with him on Wednesday or Thursday last: whereupon he this Examinant came to *Connagh* on Wednesday night last, & finding the said *Hugh* come to *Dublin*, followed him hither: Hee came hither about six of the clock this Evening, and forthwith went to the lodging of the said *Hugh*, to the house neer the Boot in *Oxmantowne*, and there hee found the said *Hugh*, and came with the said *Hugh* into the Town, neere the Pillory, to the lodging of the Lord *Mac-quire*; where they found not the Lord within: and there they drank a cup of Beere, and then went back again to the said *Hugh* his lodging. He saith, that at the Lord *Mac-quire* his lodging, the said *Hugh* told him that there were and would be this night great numbers of Noblemen and Gentlemen of the Irish Papists, from all the parts of the Kingdom in this Town, who with himself had determined to take the Castle of *Dublin*, and possesse themselves of all His Majesties Ammunition there; and to morrow morning being Saturday: and that they intended first to batter the Chimneys of the said Town; and if the City would not yield, then to batter down the houses, and so to cut off all the Protestants that would not joyn with them.

He saith further, That the said *Hugh* then told him that the Irish had prepared men in all parts of the Kingdom to destroy all the English inhabiting there to morrow morning by ten of the clock; and that in all the Sea-ports, and other Towns in the Kingdom, all the Protestants should be killed this night; and that all the Posts that could be, could not prevent it. And further saith, That he moved the said *Hugh* to forbear the executing of that businesse, and to discover it to the State for the saving of his own estate: who said, that he could not help it: But said, that they did owe their due Allegiance to the King and would pay him all His Rights, but that they did this for the Tyrannicall Government was over them; and to imitate *Scotland*, who got a priviledge by that course. And he further saith, That when he was with the said *Hugh* in his lodging the second time, the said *Hugh* swore that he should not go out of his lodging that night, but told him that he should go with him the next morning to the Castle, and said, if this matter were discovered, some body should die for it: Whereupon this Examinant feigned some necessity for his easement, went downe out the Chamber, and left his sword in pawn, and the said *Hugh* sent his man down with him: And when this Examinant came down into the yard, finding an opportunity, he this Examinant leaped over a wall and two pales, and so came to the Lord Justice Parsons.

Octob. 22.

1641.

Owen Oconnelly, William Parsons,

Tho. Rosherham, Rob. Meridith.

The Examination of *Mark Page* Parson of *Morlestown*, neer *Kingale* in
H h 2 Ireland,

Ireland, and Dean of *Rosse* there had and taken at *Plimmoth*, in the County of *Devon*: before *Thomas Ceely* Merchant, Major of the Burrough of *Plimmoth* aforesaid, *William Birch*, and *John Bound* Merchants, three of His Majesties Justices of the Peace, within the said Burrough, the fourth day of *March*, 1641.

The said Examinant saith, that he came from *King'sale* this day was seven-night, and saith, that the Rebellion in *Ireland* is generall; (except the Port Towns and Fortifications) and saith, that he conceiveth that the Forces of the Rebels in *Munster* is between 20 or 30000, which lie neere *Corke* and *Bandan* Bridge, in two bodies; whereof the chief of one is Baron *Loughland*: the Lord *Mungarret*, the Lord *Dunboine*, and divers other Lords: and the chiefe of the other are *Macarrie Reath Teage Adown Teage Adan van Durmet*, *Glack*, and *Mack Phenning* and divers others. And this Examinant hath for certain heard, that the Earle of *Clarrickard* is likewise in Arms in *Connough* against the English Protestants; and further saith, that he knoweth that the Rebels have very good intelligence out of *England*, of all passages here, and for the most part speedier then the English have there: and further saith, that they threaten that assoon as they have rooted out the *Brittish* and *English* there, to invade *England*, and assist the Papists in *England*. And further saith, that they have the Popes Legat amongst them (as they report) who sits constantly in counsell with Sir *Ptolome Oneale*, (who writes himselfe now Prince *Oneale*, from his Palace *Charlemount*;) the Lord *Meggennys* and divers others who directed and advised the rest of the Rebels. And farther saith, That the *Irish* Rebels doe report that they have the Kings Warrant and Great Seale for what they doe, and say they are His Majesties true Subjects; and that the *English* Protestants are Rebels and not they. And further saith that the Rebels doe generally report that there are three Factions in *England* whereof one is the Kings; which consists for the most part of Courtiers and Bishops, with some few Lords and Gentry: Another the Puritans, which is supported by the House of Commons, some Lords, and the Corporations and Cities in *England*: And the third is the *Queenes*, which they say is the greatest; and consists of the Catholicks, some Lords, all the Priests and Jesuits, besides the expectation they have of forreigne forces: And further saith, that they report that the *Queenes* Faction will set such a Division between the two others, that it will root out both of them at last. And farther saith, that the said *Irish* do brag that the *Queenes* Faction hath the command of most of the Forts and Forces of *England*. And this Examinant farther saith, that hee knoweth this to be usually reported amongst them, for that he hath lived in *Ireland* these 32 yeers, and bin Incumbent of the said Church 18 yeers, and hath heard divers of the *Irish* Papists of the better sort to affirme so much, which doth much hear-

hearten the Rebels, and dishearten the *English*: And farther saith, that the Rebels have taken the Iron-works at *Glannorreth*, and great quantities of Iron; and there and elsewhere cast Ordnance, make Muskets, heads for Pikes, Skeens, and other Weapons; and farther saith, that the greatest part of the 9000 *Irish* Souldiers which the Earle of *Sirafford* had at *Nockvargas* in *Ireland*, and there exercised and trained a long time, are the most expert Commanders, Leaders, and Officers amongst the Rebels.

Thomas Cecily Major.

Madame,

I Shall not adventure to write unto your Majesty with freedom, but by Expresses, or till such time as I have a Cypher, which I beseech your Majesty to vouchsafe mee. At this time therefore I shall onely let your Majesty know where the humblest and most faithfull servant you have in the World is; Here at *Middleborough*, where I shall remain in the privatest way I can, till I receive Instructions how to serve the King and your Majesty in these parts. If the King betake himself to a safe place, where hee may avow and protest his servants from rage (I mean) and violence, for from Justice I will never implore it. I shall then live in impatience and in misery, till I wait upon you. But if after all he hath done of late, hee shall betake himself to the easiest and complyingest ways of Accommodation: I am confident, that then I shall serve him more by my absence then by all my industry, and it will be a comfort to me in all calamities if I cannot serve you by my actions, that I may doe it in some kind by my sufferings for your sake; having (I protest to God) no measure of happinesse or misfortune in this World, but what I derive from your Majesties value of my affection and fidelity.

Middleborough the 21 of Jan. 1641.

FINIS.

His Majesties Answer to a Book entituled; the Declaration,
or Remonstrance of the Lords and Commons, of
the nineteenth of MAY, 1642.

IF We could be weary of taking any pains for the satisfaction of Our people, & to undeceive them of those specious mischievous Infusions which are daily instilled into them, to shake & corrupt their loyalty and affection to Us & Our Government, after so full and ample Declaration of Our Self and Intentions, and so fair and satisfactory Answers to all such matters as have bin objected to

Us by a major part present of both Houses of Parl. We might wel give over this labour of Our Pen, & sit stil, til it shal please God so to enlighten the Affections and Understandings of Our good Subjects on Our behalf (which We doubt not but that in his good time he will do) that they may see Our sufferings are their sufferings. But, since in stead of applying themselves to the Method proposed by Us, of making such solid particular Propositions as might establish a good Understanding between Us, or of following the advice of Our Councell of *Scotland* (with whom they communicate their affairs) in forbearing all means that may make the breach wider and wound deeper, they have cholen to pursue Us with new Reproaches, or rather to continue and improve the old, by adding and varying little Circumstances and Language, in matters formerly urged by them, and fully answered by Us. We prevailed with Our Self, upon very mature and particular consideration of it, to answer the late Printed Book, intituled, *A Declaration or Remonstrance of the Lords and Commons*, which was ordered the nineteenth of *May* last to be Printed and published, hoping then that they would put Us to no more of this trouble, but that that should have bin the last of such a nature they would have communicated to Our people, and that they would not as they have done since, thought fit to assault Us with a newer Declaration, indeed of a very new Nature and Learning, which must have another Answer. And Wee doubt not but that Our good Subjects, in short time, will be so well instructed in the differences, and mistakings between Us that they will plainly discern, without resigning their reason and understanding to Our Prerogative, or the infallibility of a now major part of both Houses of Parliament (infected by a few malignant spirits) where the fault is.

Though We shal with humility and alacrity be always forward to acknowledge the infinite Mercy and Providence of Almighty God, vouchsafed so many severall ways to Our Self and this Nation, yet since God himselve doth not allow, that We should fancy and create dangers to Our Self, that We might manifest and publish his Mercy in Our deliverance, We must professe Wee do not know those deliverances mentioned in the beginning of that Declaration, from so many wicked Plots and Designes since the beginning of this Parl. which if they had taken effect, would have brought ruine and destruction upon this Kingdom. We well know the great labour and skill hath bin used to amare and affright Our good Subjects with Feares and Apprehensions of Plots and Conspiracies; the severall Pamphlets published, & letters scattered up and down full of such ridiculous contemptible Animadversions to that purpose (as though they found, for what end God knows, very unusuall countenance) no sober man would be moved with them: But We must confesse, Wee have never bin
able

able to inform Our Selfe of any such pernicious formed Designe against the Peace of this Kingdom, since the beginning of this Parliament, as is mentioned in that Declaration, or might be any warrant to those great Feares both Our Houses of Parliament seemed to be transported with, but We have great cause to believe more mischief and danger hath bin raised and begotten to the disturbance of this Kingdom, then cured or prevented by those Feares and Jealousies: And therefore however the rumour and discourse of Plots and Conspiracies may have bin necessary to the Designes of particular men, they shall doe well not to pay any false devotions to Almighty God, who discerns whether Our dangers are reall or pretended.

For the bringing up of the Army to *Londn*, as Wee have heretofore (by no other direction then the testimony of a good conscience) called God to witnesse, Wee never had, or knew of any such Resolution, so upon the view of the Depositions now published with that Declaration, it is not evident to Us there was ever such a designe, unlesse every loose Discourse or Argument be instance enough of such a Designe: And it is apparant, that what was said of it, was neer three moneths before the discovery to both Houses of Parliament so that there were any danger threatned that way, it vanished without any resistance or prevention, by the Wisdom, Power or Authority of them.

It seems the intention of that Declaration (whatsoever other end it hath) is to answer a Declaration they received from Us, in Answer to that which was presented to Us at *Newmarket* the ninth of *March* last; and likewise to Our Answer to the Petition of both Houses, presented to Us at *York* the twenty sixth of *March* last. But before that Declaration falls upon any particulars of Our said Declaration or Answer, it complains, That the heads of the Malignant Party have with much Art and Industry advised Us to suffer divers unjust Scandals and Imputations upon the Parliament, to be published in Our name, whereby they might make it odious to the people, and by their help destroy it: But not instancing in any one Scandall or Imputation so published by Us, We are still to seek for the Heads of that Malignant Party. But Our good Subjects will easily understand, That if Wee were guilty of that aspersion, We must not onely be active in raising the Scandall, but passive in the mischief begotten by that Scandall. We being an essentiall part of the Parlia. & We hope the just defence of Our Self & Our Authority, and the necessary vindication of Our Innocence and Justice, from the Imputation laid on Us by a Major part, then present of either, or both Houses, shall no more be called a Scandall upon the Parliament, then the opinion of such a part be reputed an Act of Parliament: And We hope Our good Subjects will not be long misled by that common expression in all the Declarations (wherein they usurpe the word

word *Parliament*. and apply it to countenance any Resolution or Vote) some few have a minde to make, by calling it, *The Resolution of Parliament*, which can never be without Our consent; Neither can the Vote of either, or both Houses, make a greater alteration in the Laws of this Kingdom (so solemnly made by the advice of their Predecessours, with the concurrence of Us and Our Ancestours) either by commanding or inhibiting any thing (besides the known Rule of the Law) then Our single Direction or Mandate can do, to which We do not ascribe the Authority.

But that Declaration informs Our People that the Malignant party hath drawn Us into the Northern parts farre from Our Parliament. It might more truly and properly have said, That it hath driven, then drawn Us hither. For We confesse Our Journey hither (for which Wee have no other reason to be sorry, then with reference to the cause of it) was onely forced upon Us by the true Malignant Party which contrived and countenanced those barbarous Tumults and other seditious Circumstances, of which We have so often complained and hereafter shall say more, and which indeed threatens so much danger to Our Person, and laid so much scandall upon the whole Priviledge and Dignity of Parliament, that We wonder it can be mentioned without Blushes or Indignation: But of that anon. But why the Malignant Party should be charged with causing a Presse to be transported to *York*, We cannot imagine, neither have any Papers or Writings issued from thence, to Our knowledge, but what have been extorted from Us by such provocations, as have not been before offered to a King. And no doubt it will appeare a most triviall and good Exception, when all Presses are open to vent whatsoever they think fit to say to the People, (a thing unwarranted by former Custome) that Wee should not make use of all lawful means to publish Our just and necessary Answers thereunto. As for the Authority of the great Seal (though Wee doe not know that it hath been necessary to things of this nature) the same shall be more frequently used hereafter, as occasion shall require, to which Wee make no doubt the greater and better part of Our Privy Councell will concur, and whose Advice We are resolved to follow, as far as it shall be agreeable to the good and welfare of the Kingdom.

Before that Declaration vouchsafes to insist on any particulars, it is pleased to censure both Our Declaration and Answer, to be filled with harsh Censures, and causelesse Charges upon the Parliament, (still misapplying the word *Parliament* to the Vote of both Houses) concerning which they resolve to give satisfaction to the Kingdom, since they find it very difficult to satisfie Us. If, as in the usage of the word *Parliament*, they have left Us out of their thoughts, so by the word *Kingdom*, they intend to exclude all Our People, who are out of their

wals: (for that's grown another Phrase of the Time, the Vote of the major part of both Houses, and sometimes of one is now called, *The Resolution of the whole Kingdome*) Wee believe it may not be hard to give satisfaction to themselves; otherwise Wee are confident (and Our confidence proceeds from the uprightnesse of Our owne Conscience) they will never be able so to sever the affections of Us and Our Kingdome, that what cannot be satisfaction to the one, shall be to the other. Neither will the Style of *Humble*, and *Faithfull*, and telling Us, *That they will make V's a Great and Glorious King*, in their Petitions and Remonstrances, so deceive Our good Subjects, that they will passe over the Reproaches, Threats, and Menaces they are stuffed with, which sure could not be more gently reprehended by Us, then by saying, Their expressions were different from the usuall Language to Princes, which that Declaration tells you, We had no occasion to say. But We believe, whosoever looks over that Declaration presented to Us at *Newmarket*, to which Ours was an Answer, will find the Language thorowout it, to be so unusuall, that, before this Parliament, it could never be parallel'd, whiles under pretence of justifying their feares, they give so much countenance to the discourse of the Rebels of *Ireland*, as if they had a mind Our good Subjects should give credit to it: Otherwise, being warranted by the same evidence, which they have since published, they would have as well declared, That those Rebels publicly threaten the rooting out the name of the *English*, & that they will have a King of their own, and no longer be governed by Us, as that they say, That they do nothing but by Our Authority, and that they call themselves, *The Queens Army*. And therefore we have great reason to complaine of the absence of Justice and Integrity in that Declaration; besides the unsitnesse of other expressions. Neither did Wee mistake the Substance or Logick of the Message to Us at *Theobalds*, concerning the *Militia*, which was no other, and is stated to be no other (even by that Declaration which reproved Us) then a plaine Threat, That if We refused to joyn with them, they would make a Law without Us: nor hath the Practice since that time been other, which will never be justified to the most ordinary (if not partiall) Understandings, by the meer averring it to be according to the fundamentall Laws of this Kingdom, without giving any direction, that the most cunning and learned men in the Laws may be able to finde those foundations. And We must appeal to all the World, Whether they might not with as much Justice, and by as much Law, have seized upon the estate of every Member of both Houses, who dissented from that pretended Ordinance (which much the major part of the House of Peeres did two or three severall times) as they have invaded that Power of Ours over the *Militia*, because Wee (upon Reasons they have not so much as pretended to answer) refused to consent to that Proposition: And if no better effects then losse of Time and hindrance of the publike Affairs have been found by Our Answers and Replies, let

all good men judge, by whose default, and whose want of duty such effects have been: For as Our end (indeed onely end) in those Answers and Replies hath been, The settlement and composure of publike Affaires, so We are assured, and most men doe believe, That if that due regard and Reverence had been given to Our Words, and that Consent and Obedience to Our Counsels, which we did expect, there had been before this time a cheerfull Calme upon the face of the whole Kingdom, every man enjoying his owne, with all possible Peace and Security that can be imagined, which surely those men doe not desire, who (after all those Acts of Justice and Favour passed by Us this Parliament, all those Affronts and Sufferings endured and undergone by Us) thinke fit still to reproach Us with Ship-money, Coat and Condukt Money, and other things so abundantly declared (as that Declaration it selfe confesses) in the generall Remonstrance of the State of the Kingdom, published in *November* last, which VVee wonder to finde now avowed to bee the Remonstrance of both Houses, and which Wee assure was presented to Us onely by the House of Commons, and did never, and We are confident, in that it ne, could never have passed the House of Peeres; the Concurrence and Authority of which was not then thought necessary. Shall Wee believe those Reproaches to be the voice of the Kingdom of *England*? That all Our loving Subjects eased, refreshed, strengthened, and abundantly satisfied with Our Acts of Grace and Favour towards them are willing to be involved in these unthankfull expressions? We must appeal to the Thanks and Acknowledgments published in the Petitions of most of the Counties of *England*; to the Testimony and Thanks We have received from both Houses of Parliament, how seasonable, how agreeable this usage of Us is to Our merit or their former expressions.

We have not at all swerved or departed from Our Resolution, or words in the beginning of this Parliament: We said, We were resolved to put Our Self freely and cleerly upon the Love and Affection of Our English Subjects, and we say so still, as far as concernes *England*. And Wee call Almighty God to witnesse, all Our Complaints and Jealousies, which have never been causelesse, nor of Our Houses of Parliament (but of some few Schismaticall, Factious, and Ambitious Spirits, and upon grounds, as short time, We feare, will justifie to the World) Our deniall of the *Militia*, Our absenting Our Self from *London*, have been the effects of an upright and faithfull Affection to Our English Subjects, that We may be able (through all the inconveniencies We are compelled to wastle with) at last to preserve and restore their Religion, Laws and Liberties unto them.

Since the proceeding against the Lord *Kimbolton*, and the five Members is still looked upon, and so often pressed, as so great an advantage against Us, that no retraction made by Us, nor no Actions since that time committed against Us, and the Law of the Land under pretence of vindication of Priviledge, can satisfie the Contrivers of that Declaration, but that they would

have Our good Subjects beleve, The Accusation of those sixe Members must be a plot for the breaking the neck of the Parliament, (a strange Arrogance, if any of those Members had the penning of that Declaration) and that it is so often urged against Vs, as if by that single casuall mistake of Ours (in form onely) VVe had forfeited all Duty, Credit, and Allegiance from Our people: VVe must, without endeavouring to excuse that, which in truth was an errour (Our going to the House of Commons) give Our people a cleer and full narration of the matter of Fact, assuring Our Self that Our good Subjects will not finde Our carriage in that businesse such as hath been reported.

When we resolved upon such grounds, as when they shall be published will satisfie the world, That it was fit for Our own Safetie, and honour, and the Peace of the Kingdom, to proceed against those persons, though We well know there was no degree of Priviledge in that case, yet (to shew Our desire of correspondencie with the two houses of Parliament) We chose, rather then to apprehend their persons by the ordinary Ministers of Iustice (which, according to the Opinion and practice of former times, We might have done) to command Our Attorney Generall to acquaint Our House of Peers with Our intention, and the generall matters of Our Charge (which was yet more particular then a meer Accusation) and to proceed accordingly, and at the same time sent a sworn Servant, a Sergeant at Arms to Our House of Commons, to acquaint them, That We did accuse, and intended to prosecute the five Members of that House for high Treason, and did require that their persons might be secured in custody: This We did, not onely to shew that We intended not to violate or invade their Priviledges, but to use more Ceremony towards them, then We then conceived in Justice might be required of Vs; and expected at least such an Answer as might inform Vs, if We were out of the way; But We received none at all; Onely in the instant, without offering any thing of their Priviledges to our Consideration, an Order was made (and the same night published in Print) That if any person whatsoever should offer to Arrest the person of any Member of that House, without first acquainting that House therewith, and receiving further Order from that House, That it should be lawfull for such Members, or any person to assist them, and to stand upon his or their Guard of Defence, and to make resistance according to the Protestation taken to defend the Priviledges of Parliament: And this was the first time that We heard the Protestation might be wrested to such a sense; or that in any case (though of the most undoubted and unquestionable Priviledge) it might be lawfull for any Person to resist, and use violence against a publike Minister of Iustice, armed with lawfull Authority; though We well knew, that even such a Minister might be punished for executing, such Authority. Vpon viewing this Order VVe must confesse VVe were somewhat amazed,

having never seen or heard of the like, though VVe had known Members of either House committed without so much Formality as VVe had used, and upon Crimes of a far inferiour nature to those VVe had suggested; and having no course proposed to Vs for Our proceeding, VVe were upon the matter only told, That against those Persons VVe were not to proceed at all; That they were above Our reach, or the reach of the Law, it was not easie for Vs to resolve what to do: If VVe imployed Our Ministers of Iustice in the usuall way for their apprehension (who without doubt would not have refused to execute Our lawfull Commands) We saw what Resistance and Opposition was like to be made, which very probably might cost so ne blood; If We sat still and desisted upon this terrour, We should at the best have confessed Our own want of power, and the weaknesse of the Law: In this strait We put on a sudden Resolution, to try whether Our own presence, and a cleer discovery of Our Intentions (which haply might not have been so wel understood) could remove those doubts, and prevent those inconveniences which seemed to have been threatned; and thereupon We resolved to go in Our own Person to Our House of Commons, which We discovered not till the very minute of Our going, when We sent out, That Our Servants, and such Gentlemen as were then in Our Court, should attend Vs to *Westminster*; but giving them expresse command (as We have expressed in Our Answer to the Ordinance) that no Accidents or Provocation should draw them to any such Action as might imply a purpose of force in Vs, and Our Self (requiring those of Our Train not to come within the door) went into the House of Commons: the bare doing of which VVe did not then conceive would have been thought more a breach of Priviledge, then if VVe had gone to the House of Peers, and sent for them to come to Vs, which is the usuall custom. VVe used the best expressions VVe could to assure them how far VVe were from any Intention of violating their Priviledges, That VVe intended to proceed Legally and speedily against the persons VVe had accused. and desired therefore, if they were in the House, that they might be deliuered to Vs, or if absent, that such course might be taken for their forth-coming as might satisfie Our just Demands; and so VVe departed, having no other purpose of force, if they had been in the House, then VVe have before protested before God, in Our Answer to the Ordinance. You have an account of Our part of this Story fully, let Our people judge freely of it VVhat followed on their part (though this Declaration tells you, It could not withdraw any part of their Reverence and Obedience from Vs; it may be any part of theirs it did not) We shall have too much cause hereafter to inform the world.

There wil be no end of the Discourse, and upbraiding Vs with evill Counsellors, if upon Our constant deniall of knowing any, they will not vouchsafe

to inform Vs of them; and after eight Moneths amusing the Kingdom with the expectation of a discovery of a Malignant Party, and of evill Counsellors they will not at last name any, nor describe them: Let the Actions and Lives of men be examined, who have Contrived, Counsell'd, Actually consented to grieve and burden Our people, and if such be about Vs. or any against whom any notorious malicious Crime can be proved; if VVe shelter and protect any such, let Our Injustice be published to the world; but till that be done particularly and manifestly (for VVe shall never conclude any man upon a bare generall Vote of the major part of either, or both Houses, till it be evident that major part must be without passion or affection.) VVe must look upon the charge this Declaration puts on Vs. Of cherishing and countenancing a discontented Party of the Kingdom against them, as a heavier and unjust tax upon Our Justice and Honour, then any VVe have, or can lay upon the Framers of that Declaration.

And now, to countenance those unhandsome Expressions, whereby usually they have implied Our connivance at, or want of Zeale against the Rebellion of *Ireland*. (so odious to all good men) they have found a new way of exprobation; That the Proclamation against those bloody Traytors came not out till the beginning of January, though that Rebellion broke out in October, and then by speciall Command from Us but fourty Copies were appointed to be printed. 'Tis well known where We were at that time, when that Rebellion brake forth, in *Scotland*: That We immediately from thence recommended the care of that businesse to both Houses of Parliament here, after Wee had provided for all fitting supplies from Our Kingdome of *Scotland*: That after Our returne hither, We observed all those Forms for that service, which We were advised to by Our Councell of *Ireland*, or both Houses of Parliament here: and if no Proclamation issued out sooner (of which for the present Wee are not certain, but thinke that others before that time were issued by Our directions) it was, because the Lords Justices of the Kingdome desired them no sooner; and when they did, the number they desired was but twenty, which they advised might be signed by 'Us; which We for expedition of the Service commanded to be printed (a circumstance not required by them) thereupon We signed more of them then our Justices desired: All which was very well known to some Members of one or both Houses of Parliament, who have the more to answer, if they forbore to expresse it at the passing of this Declaration; and if they did expresse it, We have the greater reason to complaine, that so envious an Aspersion should be cast on Us to Our People, when they knew well how to answer their own Objection.

What that Complaint is against the Parliament, put forth in Our Name, which is such an evidence and countenance to the Rebels, and speaks the same

language of the Parliament, which the Rebels doe, We cannot understand. All Our Answers and Declarations have been, and are owned by Us, and have been attested under Our own Hand; If any other had been published in Our Name, and without Our Authority, it would be easie for both Houses of Parliament to discover and apprehend the Authors: And We wish, that whosoever was trusted with the Drawing and Penning of that Declaration, had noe more Authority or cunning to impose upon, or deceive a major part of those Votes by which it passed, then any man hath to prevaile with Us to publish in Our Name any thing but the Sence and Resolution of Our own Heart: or that the Contriver of that Declaration could with as good a Conscience call God to witnesse that all His Counsels and Endeavours have been free from all private Aims, Personall Respects, or Passions whatsoever, as Wee have done and doe, That We never had nor knew of such Resolutions of bringing up the Army to *London*. And since this new device is found out in stead of Answering Our Reasons, or satisfying Our just Demands, to blast Our Declarations and Answers, as if they were not Our own (a bold senselesse imputation) We are sure that every Answer and Declaration published by Us, is much more Our own, then any one of those bold, threatening, and reproachfull Petitions and Remonstrances are the Acts of either, or both Houses. And if the Penner of that Declaration had been carefull of the trust reposed in him, he would never have denied (and thereupon found fault with Our just Indignation) in the Text or Margent, that We had never been charged with the intention of any Force, and that in their whole Declaration there is no word tending to such a Reproach; The contrary whereof is so evident, that We are in expresse termes charged in that Declaration, That We sent them gracious Messages, when, with Our Privy, bringing up the Army was in agitation. And even in this Declaration they seek to make Our people beleieve some such thing to be proved in the Depositions now published, wherein, We doubt not, they will as much faile, as they doe in their Censure of that Petition shewed formerly to Us by Captaine *Legg*, and subscribed by Us with *C.R.* which notwithstanding Our full and particular Narration of the substance of that Petition, the circumstances of Our seeing and approving it, this Declaration is pleased to say, Was full of scandall to the Parliament, and might have proved dangerous to the whole Kingdome. If they have this dangerous Petition in their hands. We have no reason to beleieve any tenderneffe to Us-ward hath kept them from communicating it; If they have it not, We ought to have been beleieved. But that all good people may compute their other pretended dangers by their cleere understanding of this, the noyse whereof hath not been inferiour to any of the rest, We have recovered a true Copy of the very Petition Wee signed with *C.R.* which shall in fit time be published, and which, We hope, will open the eye, of Our good people.

Concey.

Concerning Our Warrant for M. *Jermyns* passage, Our Answer was true and full; But for his black Sattin Suit, and white Boots, We can give no account.

We complained in Our Declaration, and as often as We have occasion to mention Our Returne and residence neere *London*, We shall complain of the barbarous and seditious Tumults at *Westminster* and *Whitehall*, which indeed were so full of scandall to Our Government, and danger to Our Person, that We shall never thinke of Our Returne thither, till VVe haue Justice for what is past, and security for the time to come. And if there were so great a necessity, or desire of Our Return as is pretended, in all this time, upon so often pressing Our Desires, and upon causes so notorious, VVe should at least have procured some Order for the future. But that Declaration tells Us, VVe are upon the matter mistaken, The resort of the Citizens to *Westminster* was as lawfull as the resort of great numbers every day in the Term to the ordinarie Courts of Justice. They knew no Tumults. Strange! Was the disorderly appearance of so many thousands people with Staves and Swords crying thorow the streets, *Westminster Hall*, the passage between both Houses (in so much as the Members could hardly passe to and fro) *No Bishops, Down with the Bishops*, no Tumults? VVhat Member is there of either House that saw not those numbers, and heard not those cries? And yet lawfull Assemblies? Were not severall Members of either House assaulted, threatned and ill intreated? and yet no Tumults? Why made the House of Peers a Declaration and sent it down to the House of Commons for the suppressing of Tumults, if there were no Tumults? And if there were any, why was not such a Declaration consented to and published? When the attempts were so visible, & the threats so loud to pull down the Abbey at *Westminster*, had not We just cause to apprehend, That such people might continue their work to *Whitehall*? Yet no Tumults? What a strange time are We in, That a few impudent, malicious (to give them no worse term) men should cast such a strange mist of error before the eyes of both Houses of Parliament, as that they either cannot, or will not see how manifestly they injure themselves, by mayntaining these visible untruths? Wee say no more. By the helpe of God and the Law, VVe will have Justice for those Tumults.

From excepting (how weightily let every man judge) to what VVee have said that Declaration proceeds to censure Us for what VVee have not said, for the prudent Omissions in Our Answer: VVee forbore to say any thing of the words spoken at *Kensington*, or the Articles against Our dearest Consort; and of the Accusation of the six Members: Of the last VVee had spoken offense and VVee thought enough of the other two; having never accused any (though God knows what truth there might be in either) VVee had no reason to give any particular Answer.

VVee doe not reckon Our Selfe bereaved of any part of Our Prerogative, which We are pleased freely, for a time, to part with by Bill; yet VVee must say

say, VVe expressed a great trust in Our two Houses of Parliament, when VVe devested Our Self of the Power of dissolving this Parliament, which was a just, necessary, and proper Prerogative: But VVe are glad to heare their Resolution, that it shall not encourage them to doe any thing, which otherwise had not been fit to have beene done: If it do, it will be such a breach of Trust, God will require an Account for at their hands.

For the *Militia* We have said so much in it heretofore, and the point is so well understood by all men, that We will waste time no more in that dispute. We never said, There was no such thing as an Ordinance (though Wee know that they have been long dis-used) but that there was never any Ordinance, or can be without the Kings consent; and that is true: and the unnecessary President cited in the Declaration doth not offer to prove the contrary. But enough of that, God and the Law must determine that Businesse.

Neither hath this Declaration given Us any satisfaction concerning the Votes of the fifteenth and sixteenth of *March* last, which We must declare, and appeal to all the World in the point to be the greatest violation of Our Priviledge, The Law of the Land, The Liberty of the Subject, and the Right of Parliament that can be imagined. One of those Votes is, (and there needs no other to destroy the King and People) *That when the Lords and Commons* (it is well the Commons are admitted to their part in Judicature) *shall declare what the Law of the Land is, the same must be assented to, and obeyed*; that is the sense in few words. Where is every mans Property, every mans Liberty? If a major part of both Houses declare that the Law is, That the younger Brother shall inherit, What is become of all the Families and Estates in the Kingdome? If they declare, That by the Fundamentall Law of the Land, such a rash Action, such an unadvised Word ought to be punished by perpetuall Imprisonment, is not the Liberty of the Subject, *Durante beneplacito*, remediable? That Declaration confesseth. They pretend not to a Power of making new Laws, That without Us, they cannot do that: They need no such Power, if their Declaration can suspend this Statute from being obeyed or executed, and make this Order, which is no Statute, to be obeyed and executed: If they have Power to declare the Lord *Digbys* waiting on Us to *Hampton Court*, and thence visiting some Officers at *Kingston* with a Coach and six Horses, to be leavying of War, and high Treason: And Sir *John Hothams* defying Us to Our face, keeping Our Town, Fort, and Goods against Us by force of Arms, to be an Act of Affection and Loyalty, what needs a Power of making new Laws? Or is there such a thing as Law left? Wee desire Our good Subjects to marke the Reason and Consequence of these Votes, the progresse they have already made, and how infinite that progresse may be. First, they Vote the Kingdome is in imminent danger (it is above three moneths since they discerned it) from enemies abroad and

and a Popish and discontented party at home; that is matter of Fact; the Law follows: This Vote hath given them Authority by Law (the Fundamentall Laws of the Kingdom) to order and dispose of the *Militia* of the Kingdom, and with this Power, and to prevent that danger, to enter into Our Townes. seize upon Our Magazine, and by force keep both from Us: Is not this Our Case? First, they Vote We have an intention to leavy Warre against Our Parliameent; that is matter of Fact: Then they declare, Such as shall assist Us to be guilty of high Treason; that is the Law, and proved by two Statutes, themselves know to be repealed: No matter for that; They declare it. Upon this ground they exercise the *Militia*, and so actually do that upon Us, which they have Voted We intend to do upon them: Who doth not see the confusion that must follow upon such a Power of declaring? If they should now Vote, That We did not write this Declaration, but that such an one did it, which is still matter of Fact; and then declare, That for so doing he is an enemy to the Common-wealth; what is become of the Law that man was born to? And if all their zeal for the defence of the Law, be but to defend that which they declare to be Law, their own Votes, it will not be in their Power to satisfie any man of their good intentions to the publike Peace, but such who are willing to relinquish his title to *Magna Charta*, and hold his life and fortune by a Vote of a major part of both Houses: In a word, We deny not but they may have power to declare in a particular doubtfull case regularly brought before them, what Law is; but to make a generall Declaration, whereby the know Rule of the Law may be crossed or altered, they have no Power, nor can exercise any, without bringing the life and liberty of the Subject to a lawlesse and arbitrary subjection.

We complained (and let the World judge the Justice and necessity of that Complaint) of the multitude of Seditious Pamphlets and Sermons. And that Declaration tells Us, They know We have wayes enough in Our ordinary Courts of Justice to punish those: So We have to punish Tumults and Riots, and yet they will not setve Our turn to keep Our Towns, Our Forrests, and Parks from violence. And it may be though those Courts have still the power to punish, they may have lost the skill to define what Riots and Tumults are; otherwise a Jury in *Southwark*, legally impanelled to examine a Riot there, would not have been Superfeded, and the Sheriffe enjoyned not to proceed, by vertue of an Order of the House of Commons; which it seems at that time had the sole power of declaring. But it is no wonder, That they who could not see the Tumults, do not consider the Pamphlets and Sermons, though the Author of the

Protestation Protested, be well known to be *Burton* (that infamous disturber of the peace of this Church and State) and that he preached it at *Westminster*, in the hearing of divers Members of the House of Commons: But of such Pamphlets, and seditious Preachers (divers whereof have been recommended, if not imposed upon severall Parishes, by some Members of both Houses, by what Authority We know not) We shall hereafter take a further account.

We confesse, We have little skill in the Laws, and those that have bid most, We now finde are much to seek: Yet We cannot understand or believe, That every ordinary Court, or any Court, hath power to raise what Guard they please, and under what command they please; Neither can We imagine what dangerous effects they found by the Guard we appointed them, or (indeed) any the least occasion why they needed a Guard at all.

But of all the Imputations so causelessly and unjustly laid upon us by that Declaration, we must wonder at that charge so apparently and evidently untrue, That such are continually preferred and countenanced by us, who are Friends, or Favourers, or related unto the chief Authors and Actors of that Arbitrary power heretofore practised and complained of: And, on the other side, That such as did appear against it, are daily discountenanced and disgraced. We would know one Person that contributed to the Ills of those Times, or had dependance upon those that did, whom we do, or lately have countenanced or preferred. Nay, we are confident (and we look for no other at their hands) as they have been alwayes most eminent Assertors of the publike Liberties, so if they found us inclined to anything not agreeable to Honour and Justice, they would leave us to morrow: whether different Persons have not, and do not receive countenance else where, and upon what grounds, let all men Judge; and whether we have not been forward enough to honour and preferre those of the most contrary opinion, how little comfort so ever we have had of those preferments; in bestowing of which, hereafter we shall be more guided by mens Actions then Opinions: And therefore we had good cause to bestow that Admonition (for we assure you it was an Admonition of Our own) upon both Our houses of Parliament, to take heed of inclining, under the specious shews of necessity and danger, to the exercise of such an Arbitrary power they before complained of: The Advice will do no harm, and we shall be glad to see it followed.

And are all the specious promises, and loud professions, of making us a great and glorious King; of setting a greater Revenue upon us, then any of Our Ancestors have enjoyed; of making us to be honoured at home, and feared abroad, resolved into this; That they will be ready to settle Our
Revenue

Revenue in an Honourable Proportion, when We shall put Our Self in such a Posture of Government that Our Subjects may be secure to enjoy Our just Protection for their Religion, Laws, and Liberties? What Posture of Government they intend We know not, nor can We imagine what security Our good Subjects can desire for their Religion, Laws and Liberties, which We have not offered, or fully given. And is it sutable to the duty and dignity of both Houses of Parliament to Answer Our particular weighty Expressions of the Causes of Our Remove from *London* (so generally known to the Kingdom) with a Scoff, That they hope We were driven from thence, not by Our own Fears, but by the fears of the Lord *Digby*, and his Retinue of Cavaliers? Sure the Penner of that Declaration inserted that ungrave and insolent Expression (as he hath done divers others) without the consent or examination of both Houses; who would not so lightly have departed from their former professions of duty to Us.

Whether the way to a good understanding between Us and Our People hath been as zealously pressed by them, as it hath been professed and desired by Us, will be easily discerned by those who observe, that We have left no publike Act undone on Our part, which, in the least degree, might be necessary to the Peace, Plenty, and Security of Our Subjects, and that they have not dispatched one Act which hath given the least evidence of their particular Affection and Kindness to Us: But on the contrary, have discountenanced and hindred the testimony other men would give to Us of their affections: Witnesse the stopping and keeping back the Bill of Subsidies granted by the Clergy, almost a yeer since, which though Our personall wants are so notoriously known, they will not, to this time passe: So not onely forbearing to supply Us themselves, but keeping the Love and Bounty of other men from Us, and afford no other Answers to all Our desires, all Our Reasons (indeed not to be answered) then, That We must not make Our understanding or Reason the rule of Our Government, but suffer Our Self to be assisted (which We never denyed) by Our great Councell. We require no other Liberty to Our Will, then the meanest of them do (We wish they would alwayes use that Liberty) not to consent to any thing evidently contrary to Our Conscience and Understanding: And We have, and shall alwayes give as much estimation and regard to the Advice and Counsell of both Our Houses of Parliament, as ever Priace hath done: But We shall never (and We hope Our People will never) account the contrivance of a few (Factious, Seditious persons, a Malignant Party, who would sacrifice the Common-wealth to their own fury and ambition) the wisdom of Parliament; And that the justifying and defending such persons (of whom, and of their particular sinister

wayes to compasse their own bad ends, We shall shortly inform the world) is not the way to preserve Parliaments, but is the opposing and preferring the consideration of a few unworthy persons, before their Duty to their King, or their care of the Kingdom. They would have Us remember that Our Resolutions do concern Kingdoms, and therefore not to be moulded by Our own Understanding: We well remember it, But We would have them remember, That when their Consultations endeavour to lessen the Office and Dignity of a King, they meddle with that which is not within their determination, and of which We must give an account to God and Our other Kingdoms, and must maintain with the sacrifice of Our life.

Lastly, That Declaration tells you of a present desperate and malicious Plot the Malignant Party is now acting, under the plausible Notions of stirring men up to a care of preserving the Kings Prerogative, maintaining the Discipline of the Church, upholding and continuing the Reverence and Solemnity of Gods Service, and encouraging Learning, (indeed plausible and honourable Notions to act any thing upon) and that upon these grounds divers mutinous Petitions have been framed in *London, Kent*, and other Places. Upon what Grounds would these men have Petitions framed? Have so many Petitions (even against the Form and Constitution of the Kingdom, and the Laws established) been joyfully received and accepted? And shall Petitions framed upon these Grounds be called Mutinous? Hath a multitude of mean, unknown, inconsiderable, contemptible Persons about the Citie and Suburbs of *London*, had liberty to Petition against the Government of the Church, against the Book of Common-Prayer, against the Freedom and Privilege of Parliament, and been thanked for it: And shall it be called Mutiny in the gravest and best Citizens of *London*, in the Gentry and Communalty of *Kent*, to frame Petitions upon these grounds; and to desire to be governed by the known Laws of the Land, not by Orders and Votes of either, or both Houses? Can this be thought the Wisdom and Justice of both Houses of Parliament? Is it not evidently the work of a Faction within or without both Houses, who deceive the Trust reposed in them, and have now told Us what Mutiny is, to stir Men up to a Care of preserving Our Prerogative, maintaining the Discipline of the Church, upholding and continuing the Reverence and Solemnity of Gods Service, encouraging of Learning, is Mutiny? Let Heaven and Earth, God and Man judge between Us and these Men. And however such Petitions are there called Mutinous, and the Petitioners Threatned, Discountenanced, Censured and Imprisoned: If they bring such lawfull Petitions to Us, We will graciously receive them,
and

and defend them and their Rights against what power soever, with the uttermost hazard of Our being.

We have been the longer (to Our very great pain) in this Answer, that we might give the world satisfaction, even in the most triviall Particulars which have been objected against Us: and that we may not be again reproached with any more prudent Omissions. If we have been compelled to sharper Language than we affect, let it be considered, how vile, how insufferable Our Provocations have been; And except to repell Force be to assault, and to give punctuall and necessary Answers to rough and insolent Demands be to make Invectives, we are confident the world will accuse us of too much Mildness; and all Our good Subjects will think, we are not well dealt with, and will iudge of us, and of their own happinesse and security in us by Our Actions; which we desire may no longer prosper; or have a blessing from God upon them and us, then they shall be directed to the glory of God, in the maintenance of the true Protestant Profession; to the preservation of the property and the liberty of the Subject, in the observation of the Law, and to the maintenance of the Rights and Freedom of Parliament, in the allowance and protection of all their iust Priviledges.

A Letter sent from the Kings Majesty to the Lords of His Privy Councell of the Kingdom of *Scotland*.

CHARLES R.

Right trusty and wel-beloved Cousins, and Councillers, We greet you well. Although We have already written Our minde to you Our Councell; yet upon Our second thoughts, arising especially from some bad rumours, coming to Our knowledge, We finde it necessary both for Our Self, and for the good of that Our Kingdom, to declare, and make known both Our disposition and desires more fully.

We know and feel the charge to be great, and the place to be high, where-in God (the King of kings) hath placed Us, and that We must render an accompt of all Our actions to him, who in his own time shall iudge all men without exception of persons. We have no other intentions, but by Our government, to honour him by whom Kings raige, and to procure the good of Our people; and for this end to preserve the right and authority where-

with God hath vested Us, and which by his Providence hath been derived to Us, by many Princely Progenitors: in the which glory that Our ancient Kingdom, and native Realm of *Scotland* doth participate.

We did not require of you, that you should sit as Judges upon the affairs of another Kingdom: We onely intended to have both Our sufferings and Our actions, (as they are exprest in many papers past betwixt Us and Our Parliament) made thoroughly known unto you: that since We have none besides you whom We can acquaint with Our proceedings, you may clearly see that We have been so farre from wronging Our Parliament of *England*, that We have given them all satisfaction, even above that which they themselves in the beginning did expresse, or almost desire: And as much as could well consist with the safety of Our Person and Honour. We will not put you in minde of your naturall affection towards Us, which We know will rather be kindled then extinguished by Our distresse: Nor of your Covenant, wherein you are zealous of Our Greatnesse and Authority, and which standeth in that sense wherein you did swear and subscribe it: Nor of the many good Laws made in Our late Parliament (of which We hope the present and succeeding generations shall reap the fruits, when We are dead and gone:) Nor of the many promises made to Us, upon which We were willing to yeeld to such things for settling the Government of that Our Kingdom, in Our personall absence, which neither could We have granted, nor would you have craved (as your selves did professe) had Our greater affairs permitted Our residence amongst you. And whereas We are most unjustly blamed and calumniated, 1. That We are popishly affected: 2. That We are the cause of the blood-shed in *Ireland*: 3. That We intend to bring in forraign Forces: We here do protest and declare in presence of him who knows the most secret of Our intentions and actions, that We are no wayes conscious to Our Self of the guiltinesse of any of the said aspersions: And do take him to witnesse Our innocency therein, who onely hath the priviledge to be the searcher of hearts. And if any after so full and plain profession shall distrust this Our free Declaration, We trust God, that the fault is in the malignity of their rebellious humours, and no wayes deserved on Our part.

Given at Our Court at York, the 20 of May, 1641.

The Petition of the Nobilitie, Gentry, Burrowes, Ministers, and Commons.

To the right honourable the Lords of His Majesties
most honourable Privy Councell.

Humbly sheweth,

That whereas the Kings most Sacred Majesty, His Royall Zeal, and constant Resolution of maintaining the true Religion, and preserving the Laws and Liberties of these His Kingdoms is so undoubted, that to call it in question after so many reiterated Professions and Asseverations emitted in his Majesties Declarations and Answers, with deep Attestations of the dreadfull Searcher of the hearts, as witness of the sincerity of his Royall heart, could not be conserved in any but an unchristian distrustfulness; and in us his Majesties Subjects of this his ancient and native Kingdom, the height of disloyalty and ingratitude: if we should harbour any scruple or thought to the contrary, having so many reall and recent evidences of his Majesties Royall Goodnesse, Justice, and Wisedome, in settling and establishing the true Religion, and the Laws and Liberties of this his Kingdom, to the full satisfaction of all his good Subjects: And nevertheless, perceiving by his Majesties Declarations and other printed Papers, that foul and malicious aspersions are cast upon his Majesty, tending to brand his Sacred Person, and to deprave his Royall Government: And understanding by his Majesties late Letter sent unto your Lordships, That his Majesty out of his singular goodnesse and desire to enjoy the hearts of his people of this his native Kingdom, free of all Jealousies and Prejudices, hath been pleased to clear his Royall Intentions and Actions from those Calumnious Imputations; And therefore iustly challengeth from us that humble respect due to his sacred Maestie, by so many Tyes and Titles, and so much professed and promised by us with tolemon Oaths in Our Nationall Covenant and Oath at his Majesties Coronation; We conceive our selves bound in duty to God Almighty, by whose great Name we have sworn to defend and maintain the Person, Greatnesse, and Authority of our dread Sovereign as Gods Vicegerent, to the uttermost of our power, with our means and lives, in every cause which may concern his honour, as may appear by that which by Warrant of the A^s of Generall Assembly we have all sworn and signed, and to our King and Countrey, and to that

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we owe to our honour and reputation, to represent to your Lordships the humble desires we have to expresse and make known to his Maiestie and all the world, that we are fully satisfied and perswaded of his Maiesties Royall zeal and Resolution, and that malice and detraction cannot prevail to make the least impression in Our Loyall hearts of Jealousie or distrust.

And therefore we have taken the boldnesse humbly to petition your Lordships for our selves, and in name and behalf of all others who will adhere to this our Petition, that as his Maiesty has graciously condescended in his Letter to your Lordships, and printed by your Warrant, for satisfaction of his good subiects, to expresse his Royall goodnesse and desire that all grounds of iealousie or mistaking may be kept and removed out of the hearts of his good Subiects of this Kingdom.

So it may please your Lordships to think upon some course, that his Maiesty reciprocally may be cleared and assured of our constant affection and resolution to keep our solemne and Nationall Oath, and that we are not so unthankfull to God or to his Vicegerent, nor so little tender of our own honour and credit, as to forget so soon that duty incumbent to us by so many obligations, and so often promised by us in our foresaid solemne Oaths, which are published to the view of all the world, and we are confident that in so doing we cannot be misconstrued, as if we intended any thing to the prejudice of that Brotherly and blessed Conjunction of the two Nations, happily united by Allegiance and loyall subjection to one Sovereign and Head, and solemnly confirmed by His Majesties own consent, by Acts of Parliament of both Kingdoms, or to foment Jealousies and mistakings at home amongst our selves, seeing our desire neither of it self doth tend, nor by us is intended (as we attest God the searcher of all hearts) for any other end but for the performance of that humble duty to our dread and Native King, to which we conceive our selves strictly bound by all the Tyes of Nature, Christianity, and Gratitude; and therefore we doubt not but all his Maiesties good Subiects will ioyn with us in this our humble and iust desire; and that your Lordships in the deepnesse of your Wisedomes will contribute hereto: And your Lordships Answer must humbly we crave.

To the Kings most Excellent Majestie.

The Humble Petition of the Lords and Commons assembled
in Parliament, May the 23. 1642.

YOur Maiesties loyall Subiects, the Lords and Commons in this Parliament, do humbly represent unto Your Maiesty, That now
with

withstanding Your frequent professions to Your Parliament, and the Kingdom, and the late expression in Your answer of the 13. of *May* to the Petition of the County of *York*, that Your desire and intention is only the preserving of the true Protestant profession, the Laws of the Land, the liberty of Your people, and the peace of the Kingdom; Nevertheless, with great grief, we perceive by Your Speech of the 12 of *May*, and the Paper Printed in Your Majesties Name, in the form of a Proclamation, bearing date the 14 of *May*, and other evidences, that under colour of raising a Guard to secure Your Person, of which Guard (considering the fidelity and care of Your Parliament) there can be no use, Your Majesty doth command Troops both of horse and foot to assemble at *York*, the very beginnings whereof were apprehended by the Inhabitants of that County to be an affrightment and disturbance of Your Majesties liege people, as appears by their Petition presented to Your Majesty, the continuing and increase of which Forces is to Your Parliament, and must needs be a just cause of great Jealousie and danger to Your whole Kingdom.

Therefore we do humbly beseech Your Majesty to disband all such forces as by Your command are assembled, and relying for Your security (as Your Predecessors have done) upon the Laws and the affections of Your people, You will be pleased to desist from any further designs of this nature, contenting Your Self with Your usuall and ordinary Guards; otherwise we shall hold our selves bound in duty towards God, and the trust reposed in us by the people, and the Fundamentall Laws and Constitutions of this Kingdom, to imploy our care and utmost power to secure the Parliament, and to preserve the peace and quiet of the Kingdom,

Die Veneris, 20 Maii. 1642.

Resolved upon the Question.

1. *That it appears, That the King, (seduced by wicked Counsell) Intends to make Warre against the Parliament, who (in all their consultations and actions) have proposed no other end unto themselves, but the care of His Kingdoms, and the performance of all duty and loyalty to His Person.*

Resolved upon the Question.

2. *That whensoever the King maketh Warre upon the Parliament, it is a breach of the trust reposed in Him by His people, contrary to His Oath, and tending to the dissolution of this Government.*

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Resolved

Resolved upon the Question.

3. That whosoever shall serve, or assist Him in such Warres, are Traitors by the Fundamentall Lawes of this Kingdom, and have been so adjudged by two Acts of Parliament, and ought to suffer as Traitors. 11. Rich. 2. 1. Hen. 4.

Joh. Brown Cler. Parliament.

His Majesties Answer.

WE cannot but extreemly wonder, that the causelesse Jealousies concerning Us, raised and fomented by a Malignant party in this Kingdom, which desires nothing more then to snatch to themselves particular advantages out of a generall combustion (which means of advantage shall never be ministred to them by Our fault, or seeking) should not onely be able to seduce a weak party in this Our Kingdom, but seem to finde so much countenance even from both Houses, as that Our raising of a Guard (without further Designe then for the safety of Our Person, an Action so Legall, in Manner so peaceable, upon causes so evident and necessary) should not onely be looked upon and petitioned against by them, as a Cause of Jealousie, but declared to be the raising of a Warre against them, contrary to Our former professions of Our care of Religion and Law. And we no lesse wonder, that this Action of Ours should be said (in a very large expression) to be apprehended by the Inhabitants of this Countrey as an Affrightment and disturbance to Our people, having been as well received here, as it is every where to be iustified, and (We speak now of the Generall, not of a few seduced particulars) assisted and sped by this Countrey with that loyall Affection and Alacrity, as is a most excellent Example set to the rest of the Kingdom, of the care of Our safety upon all occasions, and shall never be forgotten by Vs, nor We hope by Our Posterity; but shall be ever paid to them, in that which is the proper expression of a Princes gratitude, a perpetuall vigilant care to govern them iustly, and to preserve the onely Rule by which they can be so governed, The Law of the Land: And We are confident, That if you were your selves eye witnesses, ye would so see the contrary, as to give little present thanks, and hereafter little credit to your Informers; and if you have no better intelligence of the inclinations and affections of the rest of the Kingdom, certainly the minds of Our people (which to some ends and purposes you represent) are but ill represented unto you.

Have you so many moneths together not contented your Selves to relye
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for Security (as your Predecessors have done) upon the Affection of the People, but by your own single authority raised to your selves a Guard (and that sometimes of no ordinary numbers, and in no ordinary way) and could not all those Pikes and Protections, that Army on one side, and that Navy on the other, persuade Us to command you to disband your Forces, and to content your selves with your ordinary (that is, no) Guard, or work Us in an opinion that you appeared to leavy Warre against Us, or had any further Deligne? And is it possible that the same persons should be so apt to suspect and condetune Us, who have been so unapt in the same matter (upon much more ground) to tax or suspect them? This is Our Case, Notwithstanding the care and fidelity of Our Parliament, Our Fort is kept by Armed men against Us, Our proper goods first detained from Us, and then contrary to Our Command, by strong hand, offered to be carried away (in which at once all Our property as a private Person, all Our Authority as a King, are wrested from Us) And yet for Us to secure Our Self in a Legall way (that Sir *John Holt* may not by the same Forces, or by more raised by preience of the same Authority (for they say he raiseth daily some, and We know it no new thing for him to pretend Orders that he cannot shew) continue the Warre that he hath leaved against Us, and as well imprison Our Person, as detain Our goods, and as well shut Vs up in *York*, as shut Vs out of *Hull*) is said to be esteemed a cause of great Jealousie to the Parliament, a raising Warre against them, and of danger to the whole Kingdom: While these Iniustices and Indignities offered to Vs are countenanced by them who ought to be most forward in Our Vindication and their punishment, in observacion of their Oaths and of the trust reposed in them by the people, and to avoyd the dissolution of the present Government: Vpon which Case the whole world is to iudge, whether We had not reason, not wholly to rely upon the Care and Fidelity of Our Parliament, being so strangely blinded by Malignant spirits, as not to perceive Our injuries, but to take some care of Our Own Person, and in Order to that, to make use of that Authority which the Laws declare to be in Vs: And whether this Petition, with such a threatning Conclusion, accompanied with more threatning Votes, gives Vs not cause rather to increase then diminish Our Guards, especially since We saw before the Petition a printed paper dard the 17. of *May*, underwritten *Hen. Elsing Cler. Demus Com.* commanding (in the name of both Lords and Commons) the Sheriffs of all Our Counties, to raise the power of all those Our Counties to suppress such of Our Subjects, as by any of Our Commands shall be drawn together, and put (as that paper calls it) in a posture of warre, charging Our Officers and Subjects to assist them in the performance thereof at their perils:

perils: For though We cannot suspect that this Paper (or any bare Votes not grounded upon Law or Reason, or quotations of repealed Statutes) should have any ill influence upon Our good people, who know their duties too well, not to know that to take up Arms against those, who (upon a Legall Command, (that is, Ours) come together to a most Legall end, (that is, Our security and preservation) were to leavy warre against Us, and who appear in this County (and We are confident they are so thorough-out the Kingdom) no lesse satisfied with the Legality, Conveniency, and Necessity of these Our Guards, and no lesse sensible of the indignities and dangers (which makes it necessary) then We are Our Self; yet if that paper be really the Act of both Houses, We cannot look upon it but as the highest of scorn and indignities, First to issue Commands of Force against Vs, and after those have appeared uselesse, to offer by Petition to perswade Vs to that which that force should have effected.

We conclude this Answer to your Petition with Our counsell to you; That you joyn with Vs in exacting satisfaction for that unparaleld, and yet unpunished Action of Sir *John Horbams*, And that you command Our Fort and Goods to be returned to Our own hands, That you lay down all pretences (under pretence of necessity, or declaring what is Law) to make Laws without Vs, and by consequence, but a Cypher of Vs. That you declare effectually against Tumults, and call in such Pamphlets (punishing the Authors and Publishers of them) as seditiously endeavour to ditate Vs from protecting Our people, by weakening, by false aspersions, and new false doctrines, Our Authority with them, and their confidence in Vs: The particulars of which tumults and pamphlets, We would (long since) have taken care that Our learned Councell should have been enabled to give in evidence, if, upon Our former Offer, We had received any return of encouragement from you in it. And if you do this, you then (and hardly will then) will perswade the world, that you have discharged your duty to God, The trust reposed in you by the people, and the Fundamentall Laws and Constitutions of the Kingdom, And employed your care and utmost power to secure the Parliament, (for We are still a part of the Parliament, and shall be till this well founded Monarchy be turned to a Democracy) And to preserve the peace and quiet of the Kingdom, which together with the defence of the Protestant profession, The Laws of the Land, and Our own just Prerogative, (as a part of, and a defence to those Laws) have been the main end, which in Our Consultations and Actions We proposed to Our Self.



The third Remonstrance, May the 26. 1642.

ALthough the great affairs of this Kingdom, and the miserable bleeding condition of the Kingdom of *Ireland*, affords us little leisure to spend our time in Declarations, and in Answers and Replies, yet the Malignant party about His Majesty, taking all occasions to multiply Calumnies upon the Houses of Parliament, and to publish sharp invectives under His Majesties Name against them and their proceedings, (a new Engine which they have invented to heighten the destructions of this Kingdom, and to begar and increase distrust and disaffection between the King and His Parliament, and the people) we cannot be so much wanting to our own Innocency, or to the duty of our Trust, as not to clear our selves from those false aspersions, and (which is our chiefest care) to disabuse the Peoples mindes, and open their eyes, that under the false shews and pretexts of the Law of the Land, and of their own Rights and Liberties, they may not be carried into the Road way that leadeth to the utter ruine and subversion thereof. A late occasion that these wicked spirits of division have taken to defame, and indeed to arraigne the proceedings of both Houses of Parliament, hath been from our Votes of the 28 of *April*, and our Declaration concerning the businesse of *Hull*, which because we put forth, before we could send our Answer concerning that matter unto His Majesty, those mischievous Instruments of dissention, between the King, the Parliament, and the people, whose chief labour and study is to misrepresent our Actions to His Majesty and to the Kingdom, would needs interpret this as an appeal to the people, and a declining of all Intercourse between His Majesty and us, as if we thought it to no purpose to endeavour any more to give him satisfaction, and without expecting any longer our answer, under the name of a Message from his Majesty to both houses, they themselves have indeed made an appeal to the people, as the Message it self doth in a manner grant it to be, offering to joyn issue with us in that way, and in the nature thereof, doth clearly shew it self to be no other; Therefore we shall likewise addresse our Answer to the Kingdom, not by way of appeal (as we are charged) but to prevent them from being their own executioners, and from being perswaded under false colours of defending the Law, and their

their own Liberties to destroy both with their own hands, by taking their lives, Liberties, and Estates out of their hands, whom they have chosen and entrusted therewith, and resigning them up unto some evill Counsellors about his Majesty, who can lay no other foundation of their own greatness, but upon the ruine of this, and in it of all Parliaments, and in them of the true Religion, and the freedome of this Nation. And these are the men that would perswade the people, that both houses of Parliament containing all the Peers, and representing all the Commons of *England*, would destroy the Laws of the Land and Liberty of the People, wherein besides the fruit of the whole, they themselves in their own particulars, have so great an interest of honour and estate, That we hope it will gain little credit with any, that have the least use of reason, that such as must have so great a share in the misery, should take so much pains in the procuring thereof, and spend so much time, and run so many hazards to make themselves slaves, and to destroy the property of their Estates, But that we may give particular satisfaction to the severall imputations cast upon us, we shall take them in Order as they are laid upon us in that Message.

First, We are charged for the avowing of that Act of Sir *John Hotham*, which is termed unparalleled, and an high and unheard of Affront unto His Majesty, and as if we needed not to have done it, he being able, as is alleadged, to produce no such command of the Houses of PARLIAMENT.

Although Sir *John Hotham* had not an Order that did expresse every circumstance of that case, yet he might have produced an Order of both Houses which did comprehend this Case, not onely in the cleer intention, but in the very words thereof, which knowing in our Consciences to be so, and to be most necessary for the safety of the Kingdom, we could not but in honour and Justice avow that Act of his, which we are confident will appear to all the World to be so far from being an affront to the King, that it will be found to have been an act of great loyalty to his Majesty, and to his Kingdom.

The next Charge upon us is, That instead of giving his Majesty satisfaction, we published a Declaration concerning that businesse, as an appeal to the people, and as if our intercourse with his Majesty, and for his satisfaction, were now to no more purpose, which course is alleadged to be very unagreeable to the modesty and duty of former times, and not warrantable by any Presidents, but what our selves have made.

If the Penner of this Message had expected a while, or had not expected, that two houses of Parliament, (especially burthened as they are at this time

time with so many pressing and urgent affairs) should have moved as fast as himself, he would not have said that Declaration was instead of an Answer to His Majesty, which we did dispatch with all the speed and diligence we could, and have sent it to His Majesty by a Committee of both Houses, whereby it appears that we did it not upon that ground, that we thought it was no more to any purpose, to endeavour to give His Majesty satisfaction.

And as for the duty and modesty of former times from which we are said to have varied, and to want the warrant of any presidents therein, but what our selves have made: but if we have made any presidents this Parliament, we have made them for posterity, upon the same or better grounds of reason and Law then those were upon, which Our Predecessors first made any for us, and as some Presidents ought not to be rules for us to follow; so none can be limits to bound our proceedings, which may and must vary according to the different condition of times, and for this particular of setting forth Declarations for the satisfaction of the people, who have chosen and intrusted us withall that is dearest to them, if there be no example for it, it is because there were never any such Monsters before, that ever attempted to disaffect the people from a Parliament, or could ever harbour a thought that it might be effected; were there ever such practices to poison the people with an apprehension of the Parliament? Were there ever such imputations and scandals laid upon the proceedings of both Houses? Were there ever so many, and so great breaches of privilege of Parliament? Were there ever so many and so desperate designs of force and violence against the Parliament, and the Members thereof? If We have done more then ever our Ancestors have done, we have suffered more then ever they have suffered, and yet in point of modesty and duty we shall not yield to the best of former times, and we shall put this in issue, whether the highest and most unwarrantable Presidents of any of His Majesties Predecessors, do not fall short and much below what hath been done unto Us this Parliament; And on the other side, whether if we should make the highest Presidents of other Parliaments our patterns, there would be cause to complain of want of Modestie and Dutie in Us, when We have not so much as suffered such things to enter into Our Thoughts, which all the World knows they have put in Act.

Another Charge which is laid very high upon Us (and which were indeed a very great Crime if we were found guilty thereof) is that by avowing this Act of Sir *John Hotham*, we do in consequence confound
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and destroy the title and interest of all His Majesties good Subjects to their Lands and Goods, and that upon this ground, That His Majesty hath the same title to His Town of *Hull*, which any of His Subjects have to their Houses or Lands, and the same to His Magazin and Munition there, that any man hath to his money, plate, or jewels, and therefore that they ought not to have been disposed of without or against his consent, no more than the house, land, money, plate, or jewels, of any Subject ought to be without or against his will.

Here that is laid down for a principle, which would indeed pull up the very Foundation of the liberty, property, and interest of every Subject in particular, and of all the Subjects in generall, if we should admit it for a truth, that His Majesty hath the same right and title to His Towns and to His Magazin (bought with the publike moneys, as we conceive that at *Hull*, to have been) that every particular man hath to his house, lands, and goods, for His Majesties Towns are no more His own, then His Kingdom is His own, and His Kingdom is no more His own then His people are His own, and if the King had a property in all His Towns, what would become of the Subjects propriety in their houses therein; and if He had a propriety in His Kingdom, what would become of the Subjects property in their lands throughout the Kingdom, or of their liberties if His Majesty had the same right in their persons that every Subject hath in their lands, or goods, and what should become of all the Subjects interest in the Towns and Forts of the Kingdom, and in the Kingdom it self, if His Majesty might sell or give them away, or dispose of them at His pleasure as a particular man may do with his lands and with his goods. This erroneous maxim, being infused into Princes, that their Kingdoms are their own, and that they may do with them what they will (as if their Kingdoms were for them, and not they for their Kingdoms) is the Root of all the Subjects misery, and of the invading of their just Rights and Liberties, whereas indeed they are only intrusted with their Kingdoms, and with their Towns, and with their People, and with the publike treasure of the Common-wealth, and whatsoever is bought therewith, and by the known Law of this Kingdom, the very Jewels of the Crown are not the Kings proper goods, but are only intrusted to Him for the use and Ornament thereof. As the Towns, Forts, Treasure, Magazins, Offices, and the People of the Kingdom, and the whole Kingdom it self is intrusted unto Him for the good and safety and best advantage thereof, and as this trust is for the use of the Kingdom, so ought it to be managed by the advice of the Houses of Parliament, whom the Kingdom hath trusted for that purpose, it being their duty to see it be discharged

discharged according to the condition and true intent thereof, and as much as in them lyes by all possible means to prevent the contrary, which if it hath been their chief care and only Aym in the disposing of the Town and Magazin of *Hull*, in such manner as they have done, they hope it will appear cleerly to all the World, that they have discharged their own trust, and not invaded that of His Maiesties, much lesse his property which in this case they could not do.

But admitting His Maiesty had indeed had a property in the Town and Magazin of *Hull*, who doubts but that a Parliament may dispose of any thing wherein His Maiesty or any Subjects hath a right, in such a way, as that the Kingdom may not be exposed to hazard or danger thereby, which is our case in the disposing of the Town and Magazin of *Hull*: And whereas His Maiesty doth allow this and a greater power to a Parliament, but in that sence only as he himself is a part thereof, we appeal to every mans conscience that hath observed our proceedings whether we disioyned His Maiesty from His Parliament, who have in all humble ways sought his concurrence with us, as in this particular about *Hull*, and for the removall of the Magazin there, so also in all other things, or whether these evill Counsellors about him have not separated him from his Parliament, not onely in distance of place, but also in the discharge of this ioynt trust with them for the peace and safety of the Kingdom in this and some other particulars.

We have given no occasion to His Maiesty to declare His resolution with so much earnestnesse, that he will not suffer either or both Houses by their Votes, without or against His consent to enioyn any thing that is forbidden by the Law, or to forbid any thing that is enioyned by the Law. For our Votes have done no such thing, and as we shall be very tender of the Law, (which we acknowledge to be the safeguard and custody of all publike and private interesses) so we shall never allow a few private persons about His MAIESTY, nor His MAIESTY Himself in His own Person, and out of His Courts to be Iudge of the Law, and that contrary to the iudgement of the highest Court of iudicature: In like manner that His Maiesty hath not refused to consent to any thing that might be for the peace and happinesse of the Kingdom, we cannot admit it in any other sence, but as His Maiesty taketh the measure of what will be for the peace and happinesse of the Kingdom from some few ill affected persons about him contrary to the advice and iudgement of His great Councell of Parliament. And because the advice of both Houses of Parliament, hath through the suggestions of evill Counsellors been so much under-valued of late,

and so absolutely rejected and refused, we hold it fit to declare unto the Kingdom (whose Honour and Interest is so much concerned in it) what is the Priviledge of the great Councell of Parliament herein, and what is the Obligation that lieth upon the Kings of this Realm to passe such Bills as are offered unto them by both Houses of Parliament, in the name, and for the good of the whole Kingdom whereunto they stand engaged both in conscience and in justice to give their Royall Assent; in conscience, in respect of the Oath that is or ought to be taken by the Kings of this Realm at their Coronation, aswell to confirm by their Royall Assent such good Laws as their people shall choose, and to remedy by Law such inconveniences as the Kingdom may suffer, as to keep and protect the Laws already in being, as may appear both by the Form of the Oath upon Record, and in looks of good Authority, and by the Statute of 25 Edw. 3. intituled, *The Statute of Provisors of Benefices*; the Form of which Oath, and the Clause of that Statute concerning it, are as followeth:

ROT. PARLIAM. H. 4. N. 17.

Forma juramenti soliti & consueti prestanti per Reges Anglia in eorum Coronatione.

Servabis Ecclesie Dei, Cleroq; & populo pacem ex integro, & concordiam in Deo secundum vires tuas?

Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis aquam & rectam justitiam & discretionem in misericordia & veritate, secundum vires tuas?

Respondebit, Faciam.

Concedis justas leges & consuetudines esse tenendas & promittis per te eas esse protegendas & ad honorem Dei corroborandas quas vulgus elegerit, secundum vires tuas?

Respondebit, Concedo & promitto.

Adjicianturque predictis interrogationibus quae justa fuerint, praeiudicialif. que omnibus confirmet Rex se omnia servaturum Sacramento super Altare prestito coram cunctis.

A Clause in the Preamble of a Statute made 25 Edw. 3. intituled, *The Statute of Provisors of Benefices.*

Whereupon the said Commons have prayed our said Lord the King, That sith the Right of the Crown of England, and the Law of the said Realm is such, that upon the mischiefs and damages which happen to this Realm, he ought, and is bound by his Oath, with the accord of his people in his Parliament, thereof to make remedy and Law, and in removing the mischiefs and damages which thereof ensue, that it may please him thereupon to ordain remedy,

Our

Our Lord the King seeing the mischiefs and damages before mentioned, and having regard to the Statute made in the time of his said Grand-father, and to the causes contained in the same, which Statute holdeth alwayes his force, and was never defeated, repealed, nor adnulled in any point, and by so much he is bounden by his Oath to cause the same to be kept as the Law of his Realm, though that by sufferance and negligence it hath been sithence attempted to the contrary; also having regard to the grievous complaints made to him by his people in divers his Parliaments holden heretofore, willing to ordain remedy for the great damages and mischiefs which have happened, and daily do happen to the Church of *England* by the said cause.

Here the Lords and Commons claim it directly as the Right of the Crown of *England*, and of the Law of the Land, And that the King is bound by his Oath, with the accord of his people in Parliament, to make remedy and Law upon the mischiefs and damages which happen to this Realm; and the King doth not deny it, although he take occasion from a Statute formerly made by his Grand-father, which was laid as part of the grounds of this Petition, to fix his Answer upon another branch of his Oath, and pretermits that which is claimed by the Lords and Commons, which he would not have done, if it might have been excepted against.

In Justice they are obliged thereunto, in respect of the Trust reposed in them, which is as well to preserve the Kingdom by the making of new Laws where there shall be need, as by observing of Laws already made. A Kingdom being many times as much exposed to ruine for the want of a new Law, as by the violation of those that are in being, and this is so cleer a Right, that no doubt his Majesty will acknowledge it to be as due unto his people as his protection; but how far forth he is obliged to follow the judgement of his Parliament therein, that is the question. And certainly besides the words in the Kings Oath, referring unto such Laws as the people shall chuse, as in such things which concern the publike Weal, and good of the Kingdom, they are the most proper Judges, who are sent from the whole Kingdom for that very purpose; so we do not finde, That since Laws have passed by way of Bills (which are read thrice in both Houses, and committed, and every part and circumstance of them fully weighed and debated upon the Commitment, and afterwards passed in both Houses) that ever the Kings of this Realm did deny them, otherwise then is expressed in that usuall Answer, *Le Roy l'avisera*, which signifies rather a suspension than a refusall of the Royall Assent, and in those other Laws which are framed by way of Petitions of Right, the Houses of Parliament have

taken themselves to be so farre Judges of the Rights claimed by them, that when the Kings Answer hath not in every point been fully according to their desire, they have still insisted upon their claim, and never rested satisfied till such time as they had an answer according to their demand; as was done in the late Petition of Right, and in former times upon the like occasion, and if the Parliament be Judge between the King and His people in the Question of Right (as by the manner of the claim in Petitions of Right, and by judgements in Parliament, in Cases of illegall Impositions and Taxes, and the like it appeareth to be) why should they not be so also in the question of the common good, and necessity of the Kingdom, wherein the Kingdom hath as cleer a right also to have the benefit and remedy of Law, as in any thing whatsoever, and yet we doe not deny but in private Bills, and also in publique Acts of Grace, as pardons and the like Grants of Favour, His MAJESTIE may have a greater latitude of granting or denying as he shall think fit.

All this considered, we cannot but wonder that the Contriver of this Message, should conceive the people of this Land to be so void of common sense, as to enter into so deep a mistrust of those that they have, and His Majesty ought to repose so great a trust in, as to despair of any security in their private Estates by Discents, Purchases, Assurances, or Conveyances, unless His Majesty should by His Vote prevent the prejudice they might receive therein, by the Votes of both Houses of Parliament; As if they who are especially chosen and intrusted for that purpose, and who themselves must needs have so great a share in all grievances of the Subject, had wholly cast off all care of the Subjects good, and His MAJESTIE had solely taken it up; And as if it could be imagined that they should by their Votes overthrow the Rights of Discents, Purchases, or of any Conveyance or Assurance, in whose judgement the whole Kingdom hath placed all their particular Interesses, if any of them should be called in question in any of those Cases, and that (as knowing not where to place them with greater security) without any Appeal from them to any other person or Court whatsoever.

But indeed we are very much to seek how the case of *Hull* should concern Discents, and Purchases, or Conveyances, and Assurances, unless it be in procuring more security to men in their private Interesses by the preservation of the whole from confusion and destruction, and much less do we understand how the Sovereign Power was resisted and despised therein; Certainly no command from His Majesty, and His
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high Court of Parliament (where the Sovereign power resides) was disobeyed by Sir *John Hotham*, nor yet was His Maesties Authority derived out of any other Court, nor by any legall Commission, or by any other way, wherein the Law hath appointed His Maesties commands to be derived to His Subjects, and of what validity His verball Commands are, without any such stamp of His Authority upon them, and against the Order of both Houses of Parliament, and whether the not submitting thereunto be a resisting and despising of the Sovereign Authority, we leave it to all men to iudge, that do at all understand the Government of this Kingdom.

We acknowledge that His Maieſty hath made many expressions of His zeal and intentions against the desperate designs of Papists, but yet it is also as true, that the Counsellors which have prevailed of late with him, have been little ſutable to those expressions and intentions: For what doth more advance the open and bloody designe of the Papists in *Ireland*, (whereon the secret plots of the Papists here do in all likelihood depend) then His Maesties absenting Himself, in that manner that he doth from His Parliament, and setting forth such sharp Invektives against them, notwithstanding all the humble Petitions, and other means which His Parliament hath addressed upon him for his return, and for his satisfaction concerning their proceedings. And what was more likely to give a rise to the designs of Papists (whereof there are so many in the North, neer to the Town of *Hull*) and of other Malignant and ill-affected persons, (which are ready to ioyne with them, or to the attempts of Forreigners from abroad, then the continuing of that great Magazin at *Hull* at this time, and contrary to the desire and advice of both Houses of Parliament: so that we have too much cause to believe that the Papists have still some way and means, whereby they have influence upon His MAESTIES Counsellors for their own advantage.

For the Malignant party His Maieſty needeth not a definition of the Law, nor yet a more full Character of them from both Houses of Parliament for to finde them out, if he will please onely to apply the Character that Himselfe hath made of them to those unto whom it doth properly and truly belong; Who are so much dis-affected to the peace of the Kingdom, as they that endeavour to dis-affect His Maieſty from the Houses of Parliament, and perswade him to be at such a distance from them both in place and affection? Who are more dis-affected to the Government of the Kingdome, then such as lead His Maieſty away from hearkning to His Parliament; which

by the Constitution of this Kingdom, is his greatest and best Councell; and perswade him to follow the malicious Counsells of some private men, in opposing and contradicting the wholesome advices, and just proceedings of that his most faithfull Councell and highest Court? Who are they that not onely neglect and despise, but labour to undermine the Law, under colour of maintaining of it, but they that endeavour to destroy the fountain and conservatory of the Law, which is the Parliament? and who are they that set up rules for themselves to walk by, then such as are according to Law, but they that will make other Judges of the Law then the Law hath appointed, and so dispence with their obedience, to that which the Law calleth Authority, and to their determinations and resolutions to whom the judgement doth appertain by Law? For when private persons shall make the Law to be their Rule, according to their own understandings, contrary to the judgement of those that are the competent Judges thereof, they set up unto themselves other Rules then the Law doth acknowledge: who these persons are, none knoweth better then his Maiesty himself: And if he will please to take all possible caution of them, as destructive to the Common-wealth, and himself, and would remove them from about him, it would be the most effectuall means to compose all the distractions, and to cure the distempers of this Kingdom.

For the Lord *Digby* his Letter, we did not make mention of it as a ground to hinder his Maiesty from visiting his own Fort, but we appeal to the judgement of any indifferenr man that shall reade that Letter, and compare it with the posture that his Maiesty then did, and still doth stand in towards the Parliament, and with the circumstances of that late action of his Maiesty, in going to *Hull*, whether the advisers of that Journey intended onely a visite of that Fort and Magazine. As to the wayes and overtures of Accommodation, and the Message of the 20 of *January* last, so often pressed, but still in vain, as is alleadged; our Answer is, That although so often as the Message of the 20 of *January* hath been pressed, so often have our Priviledges been cleerly infringed, that a way and method of proceeding should be prescribed unto us, as well for the settling of his Maiesties Revenue, as for the presenting of our own desires (a thing which in former Parliaments hath alwayes been excepted against, as a breach of Priviledge) yet in respect to the matter contained in that Message, and out of our earnest desire to beget a good understanding between his Maiesty and us, we swallowed down all matters of circumstance, and had ere this time presented the chief of our desires,

desires to His Majesty, had we not been interrupted with continuall denials even of those things that were necessary for our present security and subsistence, and had not those denials been followed with perpetuall invectives against us and our proceedings, and had not those invectives been heaped upon us so thick one after another, (who were already in a manner wholly taken up with the pressing affairs of this Kingdom, and of the Kingdom of *Ireland*) that as we had little encouragement from thence to hope for any good Answers to our desires, so we had not so much time left us to perfect them in such a manner as to offer them unto His Majesty.

We confesse it is a Resolution most worthy of a Prince, and of His Majesty, to shut His ears against any that would incline Him to a civill Warre, and to abhorre the very apprehension of it ; But we cannot beleve that minde to have been in them that came with His Majesty to the House of Commons, or in them that accompanied His Majesty to *Hampton Court*, and appeared in a warlike manner at *Kingston upon Thames*, or in divers of them that followed His Majesty now lately to *Hull*, or in them that after drew their Swords at *Tork*, demanding who would be for the King ; Nbr in them that advised His Majesty to declare Sir *John Horham* a Traytor before the Message was sent concerning that businesse to the Parliament, or to make propositions to the Gentlemen of the County of *Tork*, to assist His Majesty to proceed against him in a way of force, before he had, or possible could receive an answer from the Parliament, to whom he had sent to demand justice of them against Sir *John Horham* for that fact, and if those malignant spirits shall ever force us to defend our Religion, the Kingdom, the Priviledges of Parliament, and the rights and liberties of the Subjects, with our Swords, the blood and destruction that shall ensue thereupon must be wholly cast upon their account, God and our own Consciences tell us that we are clear, and we doubt not but God and the whole World will clear us therein.

For Captain *Legg*, we did not say that he was accused, or that there was any Charge against him for the bringing up of the Army, but that he was employed in that businesse. And for that concerning the Earl of *Newcastle* mentioned by His Majesty, which is said to have been asked long since, and that it is not easie to be answered : We conceive that it is a question of more difficulty, and harder to be answered ; Why, when his Majesty held it necessary, upon the same grounds that first moved from the Houses of Parliament, That a Governour should be placed in that Town, Sir *John Horham*, a Gentleman of known Fortune and integrity,

integrity, and a person of whom both Houses of Parliament had expressed their confidence, should be refused by His Majesty, and the Earl of Newcastle (who by the way was so farre named in the business of the business of the bringing up the Army, that although there was not ground enough for a judiciall proceeding, yet there was ground of suspicion, at least his reputation was not left so unblemished thereby, as that he should be thought the fittest man in *England* for that imployment of *Hull*) should be sent down in a private way from His Majesty to take upon him that Government, and why he should disguise himself under another name, when he came thither, as he did. But whosoever shall consider, together with these circumstances, that of the time when Sir *John Horham* was first appointed by both Houses of Parliament to take upon him that imployment, which was presently after His Majesties coming to the House of Commons, and upon the retiring of Himself to *Hampton Court*, and the Lord *Digbys* assembling of Cavaliers at *Kingston upon Thames*, will finde reason enough why that Town of *Hull* should be committed rather to Sir *John Horham*, by the authority of both Houses of Parliament, then to the Earl of *Newcastle*, sent from His Majesty in that manner that he was: And for the power that Sir *John Horham* hath from the Houses of Parliament, the better it is known and understood, we are confident the more it will be approved of and iustified: And as we do not conceive that His Majesties refusall to have that Magazin removed could give any advantage against him to have it taken from him, and as no such thing is done, so we cannot conceive for what other reason any should counsell His Majesty not to suffer it to be removed, upon the desire of both Houses of Parliament, except it be that they had an intention to make use of it against them.

We did not except against those that presented a Petition to His Majesty at *York* for the continuance of the Magazin at *Hull*, in respect of their condition, or in respect of their number, because they were mean persons, or because they were few; but because they being but a few, and there being so many more in the County of as good quality as themselves (who have by their Petition to His Majesty disavowed that act of theirs) that they should take upon them the stile of all the Gentry and Inhabitants of that County, and under that title should presume to interpose their advice contrary to the Votes of both Houses of Parliament; and if it can be made to appear that any of these Petitions that are said to have been presented to the Houses of Parliament, and to have been of a strange nature, were of such a nature as that, we are confident that they were never received with our consent and approbation.

Whether

Whether there was an intention to deprive Sir *John Hotbam* of his life, if his Majesty had been admitted into *Hull*, and whether the Information were such, as that he had ground to believe it, we will not bring it into question; for that was not, nor ought to have been the ground for doing what he did; neither was the number of his Majesty's Attendants, for being more or fewer, much considerable in this case: For a though it be true, That if his Majesty had entred with twenty Horse onely, he might haply have found means for to have forced the entrance of the rest of his Train, who being once in the Town, would not have been long without Arms, yet that was not the ground that Sir *John Hotbam* was to proceed upon, but upon the admittance of the King into the Town at all; so as to deliver up the Town and Magazine unto him, and to whomsoever he should give the Command thereof, without the knowledge and consent of both Houses of Parliament, by whom he was entrusted to the contrary; and his Majesty having declared that to be his intention concerning the Town in a Message that he sent to the Parliament not long before he went to *Hull*, saying, That he did not doubt but that Town should be delivered up to him, whensoever he pleased, as supposing it to be kept against him: and in like manner concerning his Magazine, in his Message of the four and twentieth of April, wherein it is expressed, That his Majesty went thither with a purpose to take into his hands the Magazine, and to dispose of it in such manner as he should think fit: upon these terms, Sir *John Hotbam* could not have admitted his Majesty, and have made good his Trust to the Parliament, though his Majesty would have entred alone, without any Attendants at all of his own, or of the Prince or Duke his sons, which we do not wish to be lesse then they are in their number, but could heartily wish that they were generally better in their conditions.

In the close of this Message, his Majesty states the case of *Hull*, and thereupon inferreth, That the Act of Sir *John Hotbam* was levying of War against the King, and consequently, That it was no lesse then high Treason, by the letter of the Statute of 25 *Edw. 3. cap. 2.* unlesse the sense of that Statute be very far differing from the letter thereof.

In the stating of this Case, divers particulars may be observed, wherein it is not rightly stated: As first, That his Majesty's going to *Hull* was onely an endeavour to visit a Town and Fort of his; whereas it was indeed to possesse himself of the Town and Magazine there, and to dispose of them as he himself should think good, without, and contrary to the Advices and Orders of both Houses of Parliament, as doth clearly appear by his Majesty's own Declaration of his

intentions therein, by his Messages to both Houses immediately before and after that journey. Nor can we beleive that any man that shall consider the circumstances of that journey to *Hull*, can think that his Majesty would have gone thither at that time, and in that posture, that he was pleased to put himself in towards the Parliament, if he had intended only a visit of the Town and Magazine. Secondly, it is sayd to be his Majesties owne Town, and his own Magazine: which being understood in that sense as was before expressed, as if his Majesty had a private interest of propriety therein, we cannot admit it to be so. Thirdly, (which is the main point of all) Sir *John Hobart* is sayd to have shut the gates against his Majesty, and to have made resistance with armed men in defiance of his Majesty; whereas it was indeed in obedience to his Majesty and his authority, and for his service and the service of the Kingdom, for which use only, all that interest is that the King hath in the Town; and it is no further his to dispose of, than he useth it for that end: And Sir *John Hobart* being commanded to keep the Town and Magazine for his Majesty and the Kingdom, and not to deliver them up, but by his Majesty's authority signified by both Houses of Parliament, all that is to be understood by those expressions of his denying and opposing his Majesties entrance, and telling him in plain terms he should not come in, was onely this, That he humbly desired his Majesty to forbear his entrance, till he might acquaint the Parliament, and that his authority might come signified to him by both Houses of Parliament, according to the trust reposed in him. And certainly, if the letter of the Statute of 25. *Edw. 3. cap. 2.* be thought to import this, That no War can be levied against the King, but what is directed and intended against his Person, or that every levying of Forces for the defence of the Kings Authority, and of his Kingdom, against the personall commands of the King opposed thereunto, though accompanied with his presence, is levying War against the King, it is very far from the sense of that Statute; and so much the Statute it self speaks (besides the authority of Book-cases, presidents of divers Traitors condemned upon that interpretation thereof.) For if the Clause of levying of War had been meant only against the K. Person, what need had there been thereof, after the other branch of Treason in the same Statute of compassing the Kings death, which would necessarily have implied this? and because the former Clause doth imply this, it seems not at all to be intended in this latter branch, but only the levying of War against the King, that is, against his Lawes and Authority; and the levying of War against his Lawes and Authority, though not against his Person, is levying War against the King; but the levying of Force against his Personall commands, though accompanied with his presence, and not against his Lawes and Authority,

but

but in the maintenance thereof, is no levying of War against the King, but for him. Here is then our case; In a time of so many successive plots and designs of force against the Parliament and Kingdome; in a time of probable invasion from abroad, and that to begin at *Hull*, and to take the opportunity of seizing upon so great a Magazine there, in a time of so great distance and alienation of his Maesties affections from his Parliament, and in them from his Kingdome, which they represent, by the wicked suggestions of a few malignant persons, by whose mischievous counsels he is wholly led away from his Parliament, and their faithfull advises and counsels; In such a time the Lords and Commons in Parliament command Sir *John Hotham* to draw in some of the trained Bands of the parts adiacent to the Town of *Hull*, for the securing of that Towne and Magazine, for the service of his Maesty and of the Kingdome; of the safety whereof there is a higher trust reposed in them, than any where else, and they are the proper Judges of the danger thereof.

This Town and Magazine being entrusted to Sir *John Hotham*, with expresse order not to deliver them up, but by the Kings Authority signified by both Houses of Parliament; His Maesty, contrary to the advice and direction of both Houses of Parliament, without the authority of any Court, or of any legall way wherein the Law appoints the King to speak and command, accompanied with the same evill counsell about him that he had before, by a verball command requires Sir *John Hotham* to admit him into the Town, that he might dispose of it, and of the Magazine there, according to his own, or rather according to the pleasure of those evill Counsellours, who are still in so much credit about him: In like manner as the Lord *Digby* hath continuall recourse unto, and countenance from the Queens Maesty in *Holland*, by which means he hath opportunity still to communicate his Traiterous suggestions and conceptions to both their Maesties, such as those were concerning his Maesties retyring to a place of strength, and declaring himself, and his own advancing of his Maesties service in such a way beyond the seas, and after that resorting to his Maesty in such a place of strength, and divers other things of that nature, contained in his Letter to the Queens Maesty, and to sir *Lewis Dives*, a person that had nos the least part in this late businesse of *Hull*; and was presently dispatched away into *Holland*, soon after his Maesties return from *Hull*, for what purpose we leave the world to judge.

Upon the refusall of sir *John Hotham* to admit his Maesty into *Hull*, presently without any due proesse of Law, before his Maesty had sent up the narration of his fact to the Parliament, he was proclaimed Traitor; and yet it is sayd, that therein is no violation of the subjects right, nor any

breach of the Law, nor of the priviledge of Parliament; though *Sir John Holt* be a Member of the House of Commons, and that His Majesty must have better reason than bare Votes to believe the contrary. Although the Votes of the Lords and Commons in Parliament, being the great Councell of the Kingdom, are the reason of the King and of the Kingdom, yet these Votes do not want cleer and apparent reason for them: For if the solemne proclaiming a man a Traytor signifie any thing, it puts a man, and all those that any way ayd, assist, or adhere unto him, into the same condition of Traytors, and draws upon him all the consequences of Treason: And if this may be done by Law, without due Proceſſe of Law, the subject hath a very poor defence of the Law, and a very small, if any proportion of Liberty thereby; and it is as little satisfaction to a man that shall be exposed to such penalties, by that declaration of him to be a Traytor, to say he shall have a legall Tryall afterwards, as it is to condemn a man first, and try him afterwards.

And if there can be a necessity for any such proclaiming a man a Traytor without due Proceſſe of Law, yet there was none in this case; for His Majesty might have as well expected the Judgement of Parliament (which was the right way) as he had leisure to send them to demand Justice against *Sir John Holt*. And the Breach of Priviledge of Parliament is as clear in this case, as the subversion of the subjects common Right: For though the Priviledges of Parliament do not extend to those cases mentioned in the Declaration, of Treason, Felony, and Breach of the peace, so as to exempt the Members of Parliament from punishment, nor from all manner of Proceſſe and Tryall, as it doth in other cases, yet it doth priviledge them in the way and method of their Tryall and punishment, and that the Parliament should have the cause first brought before them, that they may judge of the Fact, and of the Grounds of the Accusation, and how farre forth the manner of their Tryall may concern or not concern the priviledge of Parliament; otherwise it would be in the power not onely of His Majesty, but of every private man, under pretensions of Treasons, or those other Crimes, to take any man from his service in Parliament, and so as many, one after another as he pleaseth, and consequently to make a Parliament what he will, when he will; which would be a Breach of so essentiall a priviledge of Parliament, as that the very being thereof depends upon it: and therefore we no wayes doubt, but every one that hath taken the protestation, will, according to his solemn Vow and Oath, defend it with his life and Fortunes. Neither doth the sitting of a Parliament suspend all or any Law, in maintaining that Law which upholds the privi-

priviledge of Parliament, which upholds the Parliament, which upholds the Kingdom: And we are so far from believing that His Majesty is the only person against whom treason cannot be committed, that in some sense we acknowledge he is the only Person against whom it can be committed, that is, as He is King, and that treason which is against the Kingdom is more against the King, then that which is against His Person, because He is King: for that very treason is not treason as it is against Him as a man, but as a man that is a King; and as He hath relation to the Kingdom, and stands as a Person intrusted with the Kingdom, and discharging that trust. Now the case is truly stated, and all the world may judge where the fault is, although we must avow that there can be no competent Judge of this or any the like case but a Parliament, and we are as confident, that His Majesty shall never have cause to resort to any other Court or Course, for the vindication of His just priviledges, and for the recovery and maintenance of His known and undoubted Rights, if there should be any invasion or violation thereof, then to His high Court of Parliament. And in case those wicked Counsellors about Him shall drive him into any other Course from and against His Parliament, what ever are His Majesties expressions and intentions, we shall appeal to all mens consciences, and desire that they would lay their hands upon their hearts, and think with themselves, whether such persons as have of late and still do resort to His Majesty, and have His ear and favour most, either have been or are more zealous Assertors of the true Protestant profession (although we believe they are more earnest in the Protestant profession, then in the protestant Religion) or of the Law of the Land, the liberty of the Subject, and the priviledges of the Parliament, then the Members of both Houses of Parliament, who are insinuated to be the Defectors, if not the destroyers of them: And whether if they could master this Parliament by force, they would not hold up the same power to deprive Us of all Parliaments, which are the ground and Pillar of the Subjects Liberty, and that which only maketh *England* a free Monarchy.

For the Order of Assistance to the Committees of both Houses, as they have no directions or instructions, but what have the Law for their limits, and the safety of the Land for their ends; so we doubt not but all persons mentioned in that Order, and all His Majesties good Subjects, will yeeld obedience to His Majesties Authority signified therein by both Houses of Parliament: And that all men may the better know their durie in matters of that nature, and upon how sure a ground they go. that follow the judgement of Parliament for

their guide, we with them iudiciously to consider the true meaning and ground of that Statute made in the eleventh yeer of *Hen. 7. cap. 1.* which is Printed at large in the end of His Maiesties Message of the fourth of *May*. This Statute provides, that none that shall attend upon the King, and do him true service, shall be attainted or forfeit any thing. What was the scope of this Statute? To provide that men should not suffer as Traytors for serving the King in His Warres according to the duty of their Allegiance: If this had been all, it had been a very needlesse and ridiculous Statute: Was it then intended (as they may seem to take the meaning of it to be, that caused it to be Printed after His Maiesties Message,) that they should be free from all crime and penalty that should follow the King and serve Him in Warre in any case whatsoever; whether it were for or against the Kingdom, and the Laws thereof? that cannot be, For that could not stand with the duty of their Allegiance, which in the beginning of this Statute is expressed to be, to serve the King, for the time being, in His Warres, for the defence of Him and the Land; and therefore if it be against the Land, (as it cannot be understood to be otherwise if it be against the Parliament, the representative body of the Kingdom) It is a declining from the duty of Allegiance, which this Statute supposeth may be done, though men should follow the Kings Person in the War: otherwise there had been no need of such a proviso in the end of this Statute, that none should take benefit thereby that should decline from their Allegiance. That therefore which is the principle Verbe in this Statute, is the *serving of the King for the time being*, which cannot be meant of a *Perkin Warbeck*, or any that should call himself King: But such a one as what ever his Title might prove, either in himself or in his Ancestors, should be received and acknowledged for such by the Kingdom, the content whereof cannot be discerned but by Parliament: the Act whereof is the Act of the whole Kingdom by the personall suffrage of the Peers, and the delegate consent of all the Commons of *England*: And *Henry* the seventh a wise King, considering that what was the case of *Richard* the third his Predecessor, might by chance of Battell be His own, and that He might at once by such a Statute as this, satisfie such as had served His predecessor in His Warres, and also secure those that should serve him, who might otherwise fear to serve him in the Warres, lest by chance of Battell that might happen to Him also (if a Duke of *York* had set up a Title against Him) which had happened to His predecessor: he procured this Statute to be made, that no man should be accounted a Traytor for serving the King in His Warres for the time being; that is, which was for the present allowed and received by the Parliament in behalf of the Kingdom, and as it is truly

truly suggested in the preamble of the Statute. It is not agreeable to reason or conscience that it should be otherwise, seeing men should be put upon an impossibility of knowing their duty, if the judgement of the highest Court should not be a rule and guide to them: and if the judgement thereof should be followed, where the question is, who is King, much more, what is the best service of the King and Kingdom, and therefore those that shall guide themselves by the judgement of Parliament, ought, what ever happen, to be secure and free from all account and penalties, upon the grounds and equity of this very Statute.

We shall conclude, that although those wicked Councillors about His Majesty, have presumed under His Majesties Name to put that dishonour and affront upon both Houses of Parliament, as to make them the countenancers of Treason; enough to have dissolved all the bands and sinews of confidence between His Majesty and His Parliament, (of whom the Maxime of the Law is, That a dishonourable thing ought not to be imagined of them) yet we doubt not but it shall in the end appear to all the World, that our endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, the Kings just prerogatives, the Laws and Liberties of the Land, and the priviledges of Parliament, in which endeavours by the grace of God we will still persist, though we should perish in the work: which if it should be, it is much to be feared, That Religion, Laws, Liberties and Parliaments, would not be long-lived after us.

Die Sabbati. 4 Junii. 1642.

Sir Walter Earl, Sir Peter Wentworth, Sir Samuel Rolle, Master Arthur Goodwyn, Master Pury, Master Noble.

THis Committee, or any three of them, are appointed to consider of the best way of putting the publike Orders and Votes of the House in execution, and of divulging, dispersing, and publishing the said Orders and Votes, and also the Declarations of the House, through the Kingdom, and of the well and true Printing of them: And have power to employ Messengers, as they shall see occasion, and to make them allowances, and to sit, when, and where they please.

Hen. Elsing, Cler. Parl. D. Com.

His

His Majesties Answer to a Printed Book, entituled, *A Remonstrance, or, The Declaration of the Lords and Commons now Assembled in Parliament*, the 26 of May, 1642. In Answer to a Declaration under His Majesti's Name concerning the businesse of Hull.

THough whosoever looks over the late Remonstrance, entituled, *A Declaration of the Lords and Commons*, of the 26 of May, will not think We have much reason to be pleased with it; yet we cannot but commend the plain dealing and ingenuity of the Framers and Contrivers of that Declaration (which hath been wrought in a hotter and quicker Forge then any of the rest) who would no longer suffer Us to be affronted, by being told, *They would make Vs a great and glorious King*, whilst they used all possible skill to reduce Us to extreme want and Indigency; and that *They would make Vs to be loved at home, and feared abroad*, whilst they endeavoured, by all possible wayes to render Us odious to Our good Subjects, and contemptible to all Forraign Princes; but like Round-dealing men tell Us in plain English, *That they have done Vs no wrong*, because We are not capable of receiving any; And, *That they have taken nothing from Vs*, because We had never any thing of Our own to lose. If this Doctrine be true, and that indeed We ought to be of no other consideration then they have informed Our people in that Declaration, that Gentleman is much more excusable, that said publicly (unreproved) *That the happinesse of this Kingdom doth not depend on Vs, or upon any of the Royall Branches of that Root*; And the other, who said, *We were not worthy to be King of England*: Language very monstrous to be allowed by either House of Parliament, and of which, by the help of God and the Law, We must have some Examination. But we doubt not, all Our good Subjects do now plainly discern, through the Mask and Vizard of their hypocrisie, what their Designe is, and will no more look upon the Framers and Contrivers of that Declaration, as upon both Houses of Parliament (whose Freedom and just Priviledges We will alwayes maintain, and in whose behalf We are as much slandered as for Our Self) but as a Faction of Malignant, Schismaticall, and Ambitious persons, whose designe is, and alwayes hath been, to alter the whole frame of Government both of Church and State, and to subject both King and people to their own Lawlesse Arbitrary power and Government; of whose Persons, and of whose Designe, We shall, within a very short time, give Our good Subjects, and the world, a full, and (We hope) a satisfactory Narration.

The

The Contrivers and Petitioners of that Declaration (of whom wee would be onely understood to speak when we mention any of their undutifull Acts against us) tell you, *That the great Affairs of this Kingdom, and the miserable and bleeding condition of the Kingdom of Ireland, will afford them little leisure to spend their time in Declarations, Answers, and Replies;* Indeed the miserable and deplorable condition of both Kingdoms would require somewhat else at their hands: But we would gladly know, how they have spent their time since the 1st Recesse (now almost eight moneths) but in Declarations, Remonstrances, and Invectives against Us and Our Government, or in preparing matter for them: Have VVe invited them to any such expence of time, by beginning Arguments of that nature? Their Leisure, or their Inclination is not as they pretend: And what is their Printing and Publishing their Petitions to Us, their Declarations and Remonstrances of Us, their odious Votes and Resolutions, sometimes of one, sometimes of both Houses, against us (never in this manner communicated before this Parliament) but an Appeal to the People? And, in Gods Name, let them judge of the Persons they have trusted.

Their first Quarrell is (as it is always, to let them into their franke Expressions of us and Our Actions) against the *Malignant Party*; whom they are pleased still so call, and never to prove to be *Our evill Counsellors*; but indeed, nothing is more evident by their whole Proceedings, then that by the *Malignant Party* they intend all the Members of both Houses, who agree not with them in their Opinion (hence have come their distinction of good and bad Lords, Of persons ill affected of the House of Commons, who have been proscribed; and their names listed and read in Tumults) and all the persons of the Kingdom, who approve not of their Actions; So that if, in truth, they would be ingenuous, and name the persons they intend, who would be the Men (upon whom that Imputation of *Malignity* would be cast) but they, who have stood stoutly and immutably for the Religion, the Liberties, the Laws, for all publicke Interests (so long as there was any to be stood for) They, who have always been, and are as zealous Professors, and (some of them) as able and earnest Defenders of the Protestant Doctrine against the Church of Rome, as any are. VVho have often and earnestly besought us to consent, *That no indifferent and unnecessary Ceremonies might be pressed upon weak and tender Consciences, and That we would agree to a Bill for that purpose*; They, to whose Wisdom, Courage and Counsell the Kingdom oweth as much as it can to Subjects, and upon whose unblemished Lives Envy it self can lay no Imputation, nor endeavoured to lay any, untill their Vertues brought them to Our Knowledge and Favour. Let the Contrivers of this Declaration be faithfull to themselves, and consider all those Persons of both Houses, whom they, in their own Consciences, know to differ from them in the Matter and Language of that Declaration, and in all

those undutifull Actions of which We complain ; And will they not be found in Honour, Fortune, Wisdom, Reputation and Weight (if not in number) much Superiour to them ? So much for the evill Counsellors. Now, what is the evill Counsell it self ? Our coming from *London* (where Wee, and many, whose Affections to Us are very eminent, were in danger every day to be torn in pieces) to *York*, where We, and all such who will put themselves under Our protection, may live (We thank God, and the loyalty and affection of this good people) very securely : Our not submitting Our Selfe absolutely (and renouncing Our own Understanding) to the Votes and Resolutions of the Contrivers of that Declaration, when they tell Us, *They are above Vs, and may (by Our own Authority) doe with Vs what they please* ; and Our not being contented, that all Our good Subjects Lives and Fortunes shall be disposed of by their Votes, but by the known Law of the Land : This is the evill Counsell given and taken. And will not all men believe there needs much power and skill (of the *Malignant Party*) to infuse this Counsell into Us ? And now apply the Argument the Contrivers of that Declaration makes for themselves : *is it probable, or possible, that such men whom We have mentioned (who must have so great a share in the misery) should take such pains in the procuring thereof, and spend so much time, and run so many hazards, to make themselves Slaves, and to ruine the Freedom of this Nation ?* We say, with a cleer and upright Conscience to God Almighty, Whosoever harbours the least thought in his brest of Ruining or Violating the publike Liberty or Religion of this Kingdome, or the just Freedom and Priviledge of Parliament, let him be accursed ; and hee shall be no Counsellour of Ours that will not say, *Amen*. For the Contrivers of that Declaration, VVe have not said any thing which might imply any inclination in them to be Slaves : That which VVe have charged them, is with invading the publike Liberty, and Our presumption may be very strong and vehement that (though they have no minde to bee Slaves) they are not unwilling to bee Tyrants : (What is Tyranny, but to admit no Rule to Govern by but their own wils ?) And VVe know the misery of *Athens* was at the highest, when it suffered under the 30 Tyrants.

If that Declaration had told us (as in deed it might, and as in Justice it ought to have done) that the Presidents of any of Our Ancestours did fall short and much below what hath been done by us this Parliament in point of Grace and Favour to Our People VVe should no other wise have wondered at it, then at such a truth, in such a place : But when to justify their having done more then ever their Predecessours did, it tells Our good Subjects (as most injuriously, most insolently it doth) *That the highest and most unwarrantable Presidents of any of Our Predecessors doe fall short, and much below what hath beene done to them this Parliament by Vs*, VVe must confesse Our Self amazed, and not able to understand

stand them: And VVe must tell those ungratefull men (who dare tell their King, *That they may, without want of Modesty and Duty Depose him*) that the condition of Our Subjects, when (by whatsoever Accidents and Conjunctions of time) it was at worst, under Our Power, unto which (by no default of Ours) they shall be ever againe reduced, was by many degrees, more pleasant and happy, then that to which their furious pretence of Reformation hath brought them: Neither are VVe afraid of the highest Presidents of other Parliaments, which these men boldly (Our good Subjects will call it worse) tell us, *They might without want of Modesty and Duty, make their Patterns*: If VVee had no other security against those Presidents, but their Modesty and Duty, VVee were in a miserable condition, as all Persons will be who depend upon them.

That Declaration will not allow Our Inference, That by Avowing the Act of Sir *John Horham*, they do destroy the Title and Interest of all our Subjects to their Lands and Goods; but confesseth *if they were found guilty of that Charge, it were indeed a very great Crime*. And doe they not in this Declaration admit themselves guilty of this very Crime? Doe they not say, *Who doubts but that a Parliament may dispose of any thing, wherein Wee or Our Subjects have a Right in such a way, as that the Kingdom may not be in danger thereby?* Do they not then call themselves *This Parliament*, and challenge this Power without Our Consent? Do they not extend this Power to all Cases, where the necessity, or the common good of the Kingdom is concerned? And doe they not arrogate unto themselves alone the judgment of this Danger, this Necessity, this Common Good of the Kingdom? What is, if this be not to unsettle the Security of all Mens Estates; and to expose them to an Arbitrary Power of their owne? If a Faction shall at any time, by Cunning, or Force, or Absence, or Accident prevaile over a major part of both Houles, and pretend that they are *Evill Counsellours* a *Malignant Party* about the King, by whom the Liberty and Religion of the Kingdom are both in danger; This they may do: they have done it: Then they may take away (be it from the King or People) whatsoever they in their judgments shall think fit: This is lawfull, they have declared it so. Let the World judge, whether Wee charge them unjustly, and whether they are not guilty of the Crime, which themselves confesse (being proved) is a great one; and how safely Wee might commit the Power these people desire into their hands, who in all probability, would be no sooner possessed of it, then they would revive that Tragedy which Master *Hooker* relates of the Anabaptists in *Germany*, who talking of nothing but Faith, and of the true Fear of God, and that Riches and Honour were vanity; at first, upon the great Opinion of their Humility, Zeal and Devotion procured much Reverence and Estimation with the people: After, finding how many persons they had ensnared with their Hypocrisie, they began to propose to themselves to reforme both the Ecclesia-

licall and Civill Government of the State ; Then, because possibly they might meet with some opposition, they secretly entred into a League of Association : and shortly after (finding the power they had gotten with the credulous People enriched themselves with all kind of spoyle and pillage, and justified it upon Our Saviours promise, *The weeke shall inherit the earth* ; and declared their Title was the same which the Righteous *Israelites* had unto the goods of the wicked *Egyptians* : This story is worth the reading at large, and needs no Application.

But VVe must by no means say, That VVe have the same Title to Our Town of *Hull*, and the Ammunition there, as any of Our Subjects have to their Land or Money. That is *A Principle that pulls up the Foundation of the Libertie and Property of every Subject* : VVny, pray ? Because the Kings Property in His Towns, and in his Goods, bought with the publike Monie (as they conceive Our Magazine at *Hull* was) is inconsistent with the Subjects Property in their Lands, Goods, and Liberty : Do these men think, That as they assume a power of declaring Law (and whatsoever contradicts that Declaration breaks their Priviledges) so that they have a power of declaring Sense and Reason, and imposing Logick and Syllogismes on the Schooles, as well as Law upon the People ? Doth not all mankind know, That severall men may have severall Rights and Interests in the selfe-same House and Land, and yet neither destroy the other ? Is not the Interest of the Lord *Paragon* consistent with that of the *Mesne* Lord, and his with that of the Tenant, and yet their Properties and Interests not at all confounded ? And why may not We then have a full lawfull Interest and Property in Our Towne of *Hull*, and yet Our Subjects have a Property in their Houses too ? But VVe cannot sell or give away at Our pleasure Our Towns and Ports, as a private man may doe his Land or Goods : What then ? Many men have no authoritie to Let or Set their Leases, or sell their Land ; have they therefore no Title to them, or Interest in them ? May they be taken from them, because they cannot sell them ? The purpose of Our Journey to *Hull* was neither to sell it, or give it away.

But for the Magazine the Munition there, that VVe bought with Our own Money, We might surely have sold that, lent, or given it away. No ; We bought it with the publike Money ; and the prooffe is, *They conceive it so* ; and upon this conceit have Voted, That it shall be taken from Us : Excellent Justice ! Suppose VVe had kept this Money by Us, and not bought Arms with it, would they have taken it from Us upon that conceit ? Nay, may they not wheresoever this Money is (for through how many hands soever it hath passed, it is the publike Money still, if it ever were) seize it and take it from the Owners ? But the Towns, Ports, Magazine, and Kingdom is intrusted to Vs, and We are a Person trusted ; We are so. God and the Law hath trusted Vs ; and VVe have taken

ken an Oath to discharge that trust for the good and safety of Our People : VVhat Oaths they have taken, VVe know not, unless those which, in this violence, they have manifestly, maliciously violated. May any thing be taken from a man because he is trusted with it ? Nay, may the person himselfe take away the thing he trusts, when he will, and in what manner he will ? The Law hath been otherwise, and VVe believe will be so held, notwithstanding their Declarations.

But, *This trust ought to be managed by their advice, and the Kingdom hath trusted them for that purpose* : Impossible ! That the same trust should be irrevocably committed to Vs and Our Heirs for ever, and the same trust, and a power above that trust (for such is the power they pretend) be committed to others : Did not the People that sent them look upon them as a Body but Temporary, and dissoluble at Our Pleasure : And can it be believed, that they intended them for Our Guardians and Comptrollers in the managing of that Trust, which God and the Law hath granted to Vs and Our Posterity for ever ? VVhat the extent of their Commission and Trust is, nothing can better teach them, then the VVrit whereby they are met. VVe called them (and without that Call they could not have come together) to be Our Counsellors not commanders ? (for however they frequently confound them, the Offices, are severall) and Counsellors, not in all things, but in some things, *De quibusdam arduis*, &c. And they will easily finde amongst their Presidents, that *Queen Elizabeth*, (upon whose Time all good Men look with Reverence) committed one *Wentworth*, a Member of the House of Commons to the Tower (sitting the House) but for proposing, That they might advise the Queen in a matter she thought they had nothing to do to meddle in : But *We are trusted* : and are VVe the onely Person trusted ? And may they do what their own inclination and fury leads them to ? VVere not they trusted by Vs, when VVe first sent for them ; and were they not trusted by Us, when VVe passed them Our promise, *That We would not dissolve them* ? Can it be presumed (and presumptions go far with them) that VVe trusted them with a power to destroy Us, and to dissolve Our Government and Authority ? If the People might be allowed to make an equitable construction of the Laws and Statutes (a Doctrine avowed by them) would not all Our good Subjects swear, VVe never intended by that Act of continuance, that they should do what they have since done ? VVere they not trusted by those that have sent them ? And were they trusted to alter the Government of Church and State, and to make themselves perpetuall Dictators over the King and People ? Did they intend that the Law itself should be subject to their Votes, and that whatsoever they say or do, should be lawfull, because they declare it so ? The Oaths which they have taken who sent them, and without taking which themselves are not ca-

pable of their place in Parliament, makes the one incapable of giving, and the other of receiving such a trust; unlesse they can periwade Our good Subjects, that VVe are the onely supreme Head and Governour in all causes, and over all persons, within Our Dominions; and yet that they have a power over Vs to constrain Vs to manage Our Trust, and govern Our Power according to their discretion.

The Contrivers of that Declaration tell Vs, that they will never allow Vs (an humble and dutifull Expression) *to be Judge of the Law; that belongs onely to them; they may, and must judge and declare.* We all know what Power the Pope, under the Pretence of Interpreting Scriptures, and declaring Articles of Faith (though he decline the making the one or the other) hath usurped over mens consciences; and that under colour of having Power of Ordering all things for the good of mens Soules, he Entitles himself to all the Kingdomes in the World. VVe will not accuse the Framers of this Declaration (how bold soever they are with Vs) that they incline to Popery: of which another Maxime is, That VVe must submit Our Reason and Vnderstanding (and the Scripture it Self) to that Declaring Power of His: Neither will VVe tell them (though they have told Vs so) that they use the very language of the Rebels of Ireland: and yet they say those Rebels Declare, *That whatsoever they do, is for the Good of the King and Kingdom.* But Our good Subjects will easily put the Case to themselves, whether, if the Papists in Ireland in truth were, or by Act or Accident had made themselves the major part of both Houses of Parliament there, and had pretended the Trust (in that Declaration) from the Kingdom of Ireland, thereupon had voted, Their Religion and Libertie to be in danger of extirpation from a Malignant Party of Protestants and Puritanes; and therefore that they should put themselves into a Posture of defence; That the Forts and *Mina* of that Kingdom were to be put into the hands of such persons as they could confide in; That we were indeed trusted with the Towns, Forts, Magazines, Treasures, Offices, and People of the Kingdom, for the Good, and Safety, and best Advantage thereof: But as this trust is for the use of the Kingdom, so it ought to be managed by the Advice of both Houses of Parliament, whom the Kingdom had trusted for that purpose; it being their duty to see it discharged according to the Condition and true Intent thereof, and by all possible meanes to prevent the contrarie: we say, let all Our good Subjects consider, If that Rebellion had been plotted with this Formalitie, and those Circumstances declared to be Legall (at least, according to the equitable sence of the Law) and to be for the publick good, and justifiable by necessity (of which they were the onely Judges) Whether, though they might have thought their Designe the more cunning, they would beleeve it the more Justifiable? Nay, let the Farmers of this Declaration aske themselves, If *The*

Evill Counsellours, The Malignant Partie, The persons ill-affected, the Popish Lords, and their Adherents should prove now, or hereafter to be a Major part of both Houses (for it hath been declared a great part of both Houses have been such, and so might have been the greater; nay, that the greater part of the House of Peers was such (and We have not heard of any of their conversions) and thereupon it hath been earnestly pressed, That the Minor part of the Lords might joyne with the Major part of the House of Commons) were We bound to consent to all such Alterations as these men should propose to Us, and resolve to be for the publick good? and must the Libertie, Propertie, and Security of all Our Subjects depend on what such Votes should declare to be Law? Was the order of the *Militia*, unfit and unlawfull, whiles the Major part of the Lords refused to joyne in it (as they did two, if not three severall times, and it was never heard, before this Parliament, that they should be so, and so often pressed after a dissent declared) and did it grow immediately necessary for the publicke safetie, and lawfull by the Law of the Land, as soon as so many of the dissenting Peers were driven away (after their names had been required at the Bar, contrary to the Freedome and Foundation of Parliaments) that the other Opinion prevailed? Doth the Life and Libertie of the Subject depend upon such Accidents of dayes and houres, that it is impossible for him to know his right in either? God forbid.

But now to justify their Invasion of Our ancient, unquestioned, undoubted Right, sealed and established on Us and Our Posterity by God himselfe, confirmed and strengthened by all possible Titles of Compact, Laws, Oaths, perpetuall and uncontradicted Custome by Our people, what have they alleadged to Declare to the Kingdome (as they say) *the Obligation that lyeth upon the Kings of this Realme to passe all such Bills as are offered unto them by both Houses of Parliament?* (a thing never heard of till this day) An Oath (Authority enough for them to breake all theirs) that is, or ought to be taken by the Kings of this Realme, which is, as well to remedy by Law such inconveniencies the Kingdome may suffer, as to keepe and protect the Laws already in being; And the forme of this Oath (they say) appears upon a Record there cited, and by a Clause in the Preamble of a Statute made in the five and twentieth yeare of *Edward* the third.

We are not enough acquainted with Records to know whether that be fully and ingenuously cited, and when, and how, and why the severall Clauses have been inserted, or taken out of the Oaths formerly administred to the Kings of this Realme; yet We cannot possibly imagine the Assertion that Declaration makes can be deduced from the Words, or the Matter of that Oath; For, unlesse they have a power of declaring Latine, as well as Law, sure *Elegerit* signifieth, *Habebat* chosen, as well as, *Will chose*; and that it signifieth so here
(besides

(besides the Authority of the perpetuall practice of all succeeding Ages (a better Interpreter then their Votes) is evident by the Reference it hath to Customs ; *Consuetudines quas vulgus elegerit*, and could that be a Custome, which the People should chuse after this Oath taken, and should a King be sworn to defend such Customs ? Besides, can it be imagined that he should be bound by Oath to passe such Laws (and such a Law is the Bill they brought to Us of the *Militia*) as should put the Power, wherewith he is trusted, out of himselfe in the hands of other men, and deuest and disable Him of all possible power to performe the great businesse of the Oath, which is, To protect them ? If We give away all Our Power, or if it be taken from Us, We cannot protect any Man : And what discharge would it be for Us, either before God or Man, (when Our good Subjects, whom God and the Law hath committed to Our charge, shall be worried and spoyled) to say, That We trusted others to protect them ; that is, to doe that duty for Us, which is essentially and inseparably Our own. But that all Our good Subjects may see how faithfully these men (who assume this trust from them) desire to discharge their trust ; We shall be contented to publish for their satisfaction (a matter notorious enough, but which We Our Selfe never thought to have been put to publish, and of which the Framers of that Declaration might as well have made use, as of a Latine Record they knew many of Our good Subjects could not, and many of themselves doe not understand) the Oath it selfe Wee tooke at Our Coronation, warranted and injoynd to it by the Custome and Directions of Our Predecessors ; and the Ceremonie of their and Our taking it, they may find it in the Records of the Exchequer : This it is,

The Sermon being done, the Archbishop goeth to the King, and askes his willingnesse to take the Oath usually taken by his Predecessors.

The King sheweth himselfe willing, ariseth, and goeth to the Altar ; The Archbishop administreth these Questions, and the King answers them severally.

Episcopus. Sir, *Will you grant and keepe, and by your Oath confirme to the people of England, the Laws and Customes so them granted by the Kings of England, your Lawfull and Religious Predecessors ; and namely the Laws, Customes, and Franchises granted to the Clergie, by the glorious King Saint Edward your Predecessor, according to the Lawes of God, the true Profession of the Gospell established in this Kingdome, and agreeable to the Prerogative of the Kings thereof, and the ancient Customes of this Realme ?*

Rex. I grant and promise to keepe them.

Episcopus. Sir, *Will you keepe Peace and godly Agreement entirely (according to your power) both to god, the holy Church, the Clergie, and the People ?*

Rex.

Rex. I will keepe it.

Episcopus. Sir, *Will you (to your power) cause Law, Iustice and Discretion in Mercy and Truth to be executed in all your Judgements ?*

Rex. I will.

Episcopus. Sir, *Will you grant to hold and keepe the Laws and rightfull Customes which the Communalty of this your Kingdome have ; and will you defend and uphold them to the honour of God, so much as in you lieth ?*

Rex. I grant and promise so to doe.

Then one of the Bishops reads this Admonition to the King, before the people, with a loud voyce.:

Our Lord and King, We beseech you to Pardon, and to Grant, and to Preserve unto us, and to the Churches committed to our Charge all Canonically Priviledges, and due Law and Iustice, and that you would Protect and defend us, as every good King, in his Kingdome ought to be Protector and defender of the Bishops, and the Churches under their Government.

The King answereth,

With a willing and devout Heart I Promise and grant my Pardon, and that I will Preserve and maintaine to you, and the Churches committed to your charge all Canonically Priviledges, and due Law and Justice, and that I will be your Protector and Defender, to my Power, by the Assistance of God, as every good King, in his Kingdome, in Right ought to Protect and Defend the Bishops, and Churches under their Government.

Then the King ariseth, and is led to the Communion Table, where he makes a solemne Oath, in sight of all the people, to observe the Premisses : And laying his hand upon the Book, saith :

The Oath.

The things which I have before promised, I shall performe and keepe : So help me god, and the Contents of this Book.

Let now all the world judge, whether such Doctrine, or such Conclusions as these Men teach, can follow, or have the least pretence from this Oath.

For the Preamble of the Statute, (they cite) that tells Us, *That the King is bound to remedy by Law the Mischiefes and Damages which happen to his People;* He is so : But is the King bound by the Preamble of that Statute to renounce His own Judgement, His own Understanding, in these Mischiefes, and of those Remedies ? How farre forth He is obliged to follow the Judgement of His Parliament, that Declaration still confesseth to be a Question : Without question none can take upon them to remedy, even Mischiefes, but by Law, for feare of greater Mischiefes then those they goe about to remedy.

But We are bound in Justice to consent to their Proposals, because there is a Trust reposed in Vs to preserve the Kingdoms, by making new Laws: We are glad there is so; Then We are sure no new Laws can be made without Our consent, and that the gentleness of Our Answer, *Le Roy s'avisera*, if it be no Denyall, is no Consent, and then the Matter is not great. They will allow Us yet *A greater Latitude of granting or denying, as We shall thinke fit, in publick Acts of Grace, as Pardons, or the like Graces of Favour*: Why doe they so? If those Pardons and publicke Acts of Grace be for the Publick good (which they may Vote they are) they will then be absolutely in their own disposall: But have they left Us this Power? they have sure at least shared it with Us: How else have they got the power to pardon Serjeant-major Generall *Skippou* (a new Officer of State, and a Subject, We have no authority to send to speake with) and all other persons impolyed by them, and such as have impolyed themselves for them, not onely for what they have done, but for what they shall doe. If they have power to declare such Actions to be no Treason, which We would not pardon, and such Actions to be Treason, which needs no pardon, the Latitude they allow Vs of granting or denying of Pardons, is a Jewell they may still be contented to suffer Vs to wear in Our Crown, and never think themselves the more in danger.

All this considered; The Contriver of that Message (since they will affect him no better Title) whom they are angry with, doth not conceive the people of this Land to be so void of common sense as to believe Vs (who have denied no one thing for the ease and benefit of them, which in Justice or Prudence could be asked, or in Honour and Conscience could be granted) to have cast off all care of Our Subjects good; and the Framers and Devisers of that Declaration (who have endeavoured to render Vs odious to Our Subjects, and them disloyall to Vs, by pretending such a trust from them) to have onely taken it up: Neither (We are confident) will they be satisfied, when they feel the Misery and the burthens which the fury and the malice of those people will bring upon them, with being told that Calamitie proceeds from evill Counsellors, whom no body can name; from Plots and Conspiracies, which no man can discover; and from Fears and Tealousies, which no man understands: And therefore, that the consideration of it be left to the Conscience, Reason, Affection, and Loyaltie of Our good Subjects, who do understand the Government of this Kingdom. We are well content.

Where will the folly and madnesse of these people end, who would have Our people believe, That Our absenting Our self from *London* (where, with Our safety, We could not stay) and the continuing Our Magazine at *Hull*, proceeds from the secret Plots of the Papists here, and to advance the Designes of the Papists in *Ireland*? But it is no wonder, that they, who can believe Sir

John

John Pothams flouting Vs out of *Hull* to be an Act of affection and Loyalty, will beleve that the Papists, or the Turks perswaded Vs to go thither.

And can any sober man think that Declaration to be the consent of either, or both Houses of Parliament, unaltered either by fraud or Force, which (after so many Thanks and humble Acknowledgments of Our gracious Favour in Our Message of Jan. 20. so often and so unanimously presented unto Vs from both Houses of Parliament) tells Vs *That the Message at first was, and* (as often as it hath been since mentioned by Vs) *hath been a breach of Priviledge* (of which they have not used to be so negligent, as in four moneths not to complain if such a breach had been) and that the way and method of proceeding should not be proposed to them, as if We had onely Authoritie to call them together, none to tell them what they were to do, not so much as with reference to Our own Affairs: What their own Method hath been, and whither it hath led them, and brought the Kingdom all men see; What Ours would have bin, if seasonably and timely applied unto, let all men judge. We will speak no more of it.

But see now what excellent Instances they have found out to prove an Inclination, if not in Vs, in some about Vs, to civill war: *Their going with Vs to the House of Commons* (so often urged, and so fully answered) *Their attending on Vs to Hampton Court; and appearing in a warlike manner at Kingston upon Thames; Our going to Hull; Their drawing their Swords at York, demanding Who would be for the King: The declaring Sir John Hotham Traitor, before the Message sent to the Parliament; The Propositions to the Gentry in York-shire to assist Vs against him, before We had received an Answer from the Parliament:* All desperate Instances of an Inclination to a civill war; Examine them againe: The manner and intent of Our going to the House of Commons, We set forth at large in Our Answer to their Declaration of the nineteenth of May; let all men judge. Next, Do these men themselves beleve (to what purpose soever that Rumour hath served their turns) that there was an Appearance in warlike manner at *Kingston upon Thames*? Do they not know, That whensoever We have been at *Hampton Court*, since Our first coming to the Crown, there was never a lesse Appearance, or in a lesse warlike manner then at the time they mean: We shall say no more, But that Our Appearance, in a warlike manner at *Kingston upon Thames*, and theirs at *Kingston upon Hull*, is very different. What is meant *by the drawing of Swords at York, and demanding, Who would be for the King*, must be inquired at *London*, for We beleve very few in *York* understand the meaning of it. For Our going to *Hull* (which they wil by no means endure shall be called a Visit) whether it were not the way to prevent, rather then to make a Civill War, is very obvious: And the declaring him a Traitor, in the very Act of his Treason, will never be thought unreasonable, but by those who beleve him to be a loving and loyall Subject;

no more then the endeavouring to make the Gentlemen of this County sensible of that Treason (which they are, in an honourable and dutifull degree) before We received Our Answer from both Houses of Parliament : For if they had been (as VVe expected they should have been) sensible of that intolerable injurie offered to vs ; might not We have had occasion to have used the affection of these Gentlemen ? Were we sure that Sir *John Hotham*, who had kept vs out, without their Order (we speak of a publike Order) would have let vs in when they had bidden him ? And if they had not such a sense of vs (as the Case falls out to be) had we not more reason to make Proposition to those Gentlemen, whose readinesse and affection we or Our Posterity shall never forget ?

But this businesse of *Hull* sticks still with them, and finding Our Questions hard, they are pleased to Answer Us by asking Us other Questions : No matter for the Exceptions against the Earle of *Newcastle*, (which have been so often urged, as one of their principall Grounds of their Feares and Jealousies, and which drew that Question from Us) They aske Us, *Why, since We held it necessary that a Governour should be placed in Hull, Sir John Hotham should be refused by Vs, and the Earle of Newcastle sent down?* We answer, Because Wee had a better Opinion of the Earle of *Newcastle* then of Sir *John Hotham*, and desired to have such a Governour over Our Towns, (if We must have any) as should keep them for, and not against Us : And if his going downe were in a more private way then Sir *John Hotham*, it was because We had not that Authority to make a noyse, by Leavying and Billeting of Souldiers in a peaceable Time, upon Our good Subjects, as it seems Sir *John Hotham* carried down with him : And the Imputation which is cast by the way upon that Earle, to make his Reputation not so unblemished, as We conceived, and the World beleeves it to be, and, *Which though it was not Ground enough for a Iudiciall Proceeding,* (it is wonder it was not) *was yet Ground enough of Suspicion*, must be the Case of every Subject in *England* (and We wish it went no higher :) If every vile Aspersion contrived by unknown hands, upon unknown or unimaginable Grounds (which is the way practised to bring any Vertuous and Deserving men into obloquie) shall receive the least credit or countenance in the World.

They tell Us their Exception to those Gentlemen, who delivered their Petition to Us at *Torke*, was *That they presumed to take the Style upon them of all the Gentry and Inhabitants of that County, whereas (they say) so many more of as good Quality as themselves, of that County, were of another opinion ; and have since, by their Petition to Vs, disavowed that Act :* Their Information in that point is no better then it useth to be, and they will find, That neither the number, or the qualitie of those who have, or will disavow that Petition, are as they imagine ;
though

though too many weake persons are misled (which they doe, and will every day more understand) by the Faction, Skill, and Industry of that true *Malignant Party*, of which We doe, and have reason to complaine: They say, they have received no Petition of so strange a nature; What nature? *contrary to the Votes of both Houses*: that is, they have received no Petition they had no mind to receive: But We told them, and We tell them againe, and all Our good Subjects will tell them, That they have received Petitions (with joy and approbation) against the Votes of both Houses of their Predecessors, confirmed and established into Laws by the consent of Vs and Our Ancestors, and allowed those Petitions to carry the Style, and to seeme to carry the Desires of Cities, Towns, and Counties, when of either City, Town, or County very few known or considerable persons have been privy to such Petitions: Whereas in truth the Petitions delivered to Vs (against which they except) carried not the Style of All, but Some of the Centry and Inhabitants, and implied no other consent, then such as went visibly along with it.

But we are all this while in a mistake, *The Magazine at Hull is not taken from Vs*: Who told you so? They who assure you (and whom, without breaking their Priviledges, you must believe) that Sir John Horham shutting the Gates against Us and resisting Our entrance with armed men (though we thought it in defiance of Us) was indeed in obedience to Vs and Our Authority, and for Our Service, and the Service of the Kingdom; He was to let none in, but such as came with Our Authority, signified by both Houses of Parliament (himself and they had ordered it so) and therefore he kept Vs out, onely till Wee, or hee might send for their directions. Wee know not whether the Contrivers of that Declaration meant that Our good Subjects should so soone understand though it was plain enough to be understood) the meaning of the Kings Authority, signified by both Houses of Parliament: But sure the World will now easily discern in what miserable case Wee had by this time beene (it is bad enough as it is) if We had consented to their Bill, or to their Ordinance of the *Militia*, and given those Men power to have raised all the Arms of the Kingdom against Us (for the Common good) by Our own Authority: Would they not (as they have kept Us from *Hull*) by this time have beaten Us from *Torke*, and pursued Us out of the Kingdom in Our owne behalf? Nay, may not this Munition (which is not taken from Vs) be employed against Us? Not against Our Authority, signified by both Houses of Parliament, but onely to kill those ill Counsellours, the *Malignant Party*, which is about Us, and yet for Our good, for the *publike good* (they will declare it so) and so no Treason within the Statute of 25 of *Edward the Third*, which by their interpretation hath left Us (the *King of England*) absolutely lesse provided for, in point of safety, then the meanest Subject of the Kingdom; and every Subject of this Land (for whose secu-

rity that Law was made, that they may know their duty, and their danger in breaking it) may be made a Traitor, when these men please to say. Hee is so: But doe they think, that upon such an Interpretation (upon pretence of Authority of Book-Cases, and Presidents, which without doubt they would have cited if they had been to their purpose) out of which nothing can result, but confusion to King and People, will find any credit with Our good Subjects? And that so excellent a Law (made both for security of King and People) shall be so Eluded by an Interpretation no Learned Lawyer in *England* will at this houre (Wee believe) set under his hand, notwithstanding the Authority of that Declaration, which, We hope, shall bring nothing but infamy upon the Contrivers of it.

Now to their Priviledges: Though it be true they say, *That their Priviledges doe not extend to Treason, Felony, or breach of the Peace, so as to exempt the Members from all manner of Proces and Triall, yet it doth priviledge them in the Way or Method of their Triall; the Cause must be first brought before them, and their Consent asked before you can proceed: Why, then their Priviledges extend as farre in these Cases, as in any that are most unquestioned, for no Priviledge whadoever exempts them from all manner of Proces and Triall, if you first acquaint the House with it, and they give you leave to proceed by those Proces, or to that Triall: But by this Rule, if a Member of either House commit a Murder, you must by no meanes meddle with him, till you have acquainted that House (of which hee is a Member) and received their direction for your proceeding, assuring your selfe, Hee will not flir from that place where you left him till you return with their consent: Should it be otherwise, it would be in the power of every man, under pretence of Murder, to take one after another, and as many as he pleaseth, and so consequently bring a Parliament to what hee pleaseth, when hee pleaseth: If a Member of either House shall take a Purse at York (hee may as probably take a Purse from a Subject as Armes against his King) you must ride to London to know what to do, and he may ride with you, and take a new Purse every Stage, and must not bee apprehended, or declared a Felon, till you have asked that House of which he is a Member: Should it be otherwise, it might be in every mans power to accuse as many Members as he would, of taking Purser, and so bring a Parliament (and so all Parliaments) to nothing. Would these men be believed? And yet they make no doubt but every one who hath taken the Protestation, will defend this Doctrine with his Life and Fortune. Will not Our Subjects believe, That they have imposed a pretty Protestation upon them, and that they had a very good end in the doing it, if it obligeth them to such hazards, to such undertakings? Must they forget or neglect Our Person, Honour, and Estate, which by that Protestation they are bound to defend, and in some degree doe understand; and*

and must they nobly venture their Lives and Fortunes on justifie Priviledges they know not, or ever heard of before? Or are they bound by that Proclamation to believe, That the Framers of that Declaration have power to extend their owne Priviledges as farre as they thinke fit, and to contract Our Rights as much as they please, and that they are bound to believe them in either, and to venture their Lives and Fortunes in that quarrell?

From declaring how mean a Person We are, and how much the Kingdome hath been mistaken in the understanding of the *Seventh* of 25 E. 3. concerning Treason; and that all men need not feare leavying War against Us, so they have their Order to warrant them; they proceed, in the spirit of Declaring, to certifie Our Subjects in the mistaking, which neere one hundred and fifty yeers have bene received, concerning the Statute of the eleventh yeer of H. 7. cap. 1. (a Statute Our good Subjects will read with comfort) and tell them, That the serving of the King, for the time being, cannot be meant of *Perkin Warbeck*, or of any that should call himself King, but such a one as is Allowed and received by the Parliament in the behalf of the Kingdome; And are we not so allowed? However through a dark mist of words, and urging their old Priviledges (which We hope We have sufficiently answered, and will be every day more confuted by the actions of Our good Subjects) they conclude, That those that shall guide themselves by the judgment of Parliament (which they say is their owne) ought, whatsoever happen, to be secure and free from all Account and Penalties, upon the ground and equity of that very Statute. How far their owne Chancellours may help them in that equity, We know not, but (by the help of God, and that good Law) We shall allow no such equity.

So then, here is the Doctrine of that Declaration, and these are the Positions of the Contrivers of it.

1 That they have an absolute power of declaring the Law, and that whatsoever they declare to be so, ought not to be questioned by Our Self, or any Subject: So that all Right and Safety of Us and Our People must depend upon their pleasure.

2 That no Presidents can be limited to bound their Proceedings: So they may doe what they please.

3 That a Parliament may dispose of any thing; wherein the King or Subject both a right, for the publicke good; That they, without the King, are this Parliament, and Judge of this publicke good; and that Our consent is not necessary: So the Life, and Liberty of the Subject, and all the good Laws made for the security of them, may be disposed of, and repealed by the Major part of both Houses, at any time, present, and by any ways and means procured so to be; and we have no Power to prevent them.

4 That no Member of either House ought to be troubled or meddled with, for Treas-

Treason, Felonie, or any other Crime; without the Cause first brought before them, that they may judge of the Fact, and their leave obtained to proceed.

5 That the Sovereigne Power resides in both Houses of Parliament, and that We have no negative voice: So then, We Our Self must be subject to their Commands.

6 That the levying of Forces against the personall Commands of the King (though accompanied with his Presence) is not levying war against the King; but the levying war against His Laws and Authoritie (which they have power to declare and signifie) though not against His Person, is levying war against the King; and that Treason cannot be committed against his Person, otherwise then as he is intrusted with the Kingdome, and discharging that Trust, and that they have a power to judge whether Hee discharge this Trust or no.

7 That, If they should make the highest Presidents of other Parliaments their Paterns, there would be no cause to complain of want of modesty or duty in them: That is, They may Depose Vs when they will, and are not to be blamed for so doing.

And now (as if the meer publishing of their Resolutions, would not onely prevaile with the People, but in the instant destroy all spirit and courage in Us, to preserve Our own Right and Honour) they have since taken the boldnesse to assault Us with certain Propositions, which they call, *The most necessary effectuall means for the removing those Jealousies and Differences betweene Vs and Our People*: That is, that We will be content to devest Our Self of all Our Regall Rights and Dignities; be content with the Title of a King, and suffer them (according to their Discretion) to govern Us and the Kingdom, and to dispose of Our Children: How suitable and agreeable this Doctrine, and these Demands are to the affection of Our loving Subjects; under whose Trust these men pretend to say and do these monstrous things, and to designe, not onely the ruine of Our Person, but of Monarchy it Self (Which Wee may justly say, is more then ever was offered in any of Our Predecessours times; for though the Person of the King hath been sometimes unjustly deposed, yet the Regall Power was never before this time stricken at) We believe Our good Subjects will find some way to let them and the World know: And from this time such who have been misled by their ill Counsels, to have any hand in the execution of the Militia, will see to what ends their Service is designed; and therefore if they shall presume hereafter to meddle in it, they must expect that Wee will immediatly proceed against them as Actuall Raisers of Sedition, and as Enemies to Our Sovereign Power.

We have done: And shall now expect the worst Actions these Men have power to commit against Us: (worse words they cannot give Us) and We doubt

not

not, but the Major part of both Houses of Parliament, when they may come together with their Honour and safety. (as well those who were surprized at the passing of it, and understood not the Malice in it, and the Confusion that must grow by it, if believed, as those who were absent or involved) will so far resent the Indignity offered to Us, the Dishonour to themselves and the Mischief to the whole Kingdom, by that Declaration, that they will speedily make the foul Contrivers of it instances of their exemplary Justice, and brand them and their Doctrine with the Markes of their perpetuall Scorne and Indignation.

FINIS.

Two Orders; the one, to all High Sheriffs, Iustices of the Peace, and other Officers, within 150 miles of the Citie York. The other in particular, to the High Sheriffs, Iustices of the Peace, and other Officers within the County of Lancaster.

In generall, to all the Counties of *England* and Dominion of *Wales*.

Die Veneris 27, Maii, 1642.

VV Hereas it appeares to the Lords and Commons, that the King, seduced by wicked Counsell, intends to make war upon his Parliament: It is therefore Ordered by the Lords and Commons, that the High Sheriffe and Justices of the Peace and other Officers within the same Counties, Cities, and Townes Corporate, situate within 150 miles of the City of York, shall forthwith take speciall care, for to make stay of all Arms and Ammunition carrying towards York, untill they have given notice thereof unto the Lords and Commons, and shall have received their further direction. And for the better effecting hereof, the said High Sherif, Justices of Peace, and other Officers, are further to take speciall care, that strict Watches be kept within their severall Limits and Jurisdictions for the searching for and seizing of all such Armes and Ammunition, as likewise for the apprehending all persons going with the same.

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Die

Die Sabbathi. 28 Maii, 1642.

VV Hereas it appeareth, that the King seduced by wicked counsell, intends to make war against the Parliament, and under the colour of a guard to secure his royall Person, doth command roops both of Horse and Foot to assemble at *York*; All which is against the Laws of the Kingdome, tending to the dissolution of the Parliament, and destruction of the people: It is therefore Ordered by the Lords and Commons in Parliament, that the Sheriff of the County of *Lancaster*, and all other Sheriffs of the Kingdome of *England* and Dominion of *Wales*, shall by the power of that County, and of their severall Counties respectively suppress the raising, and coming together of any Souldiers, Horse or Foot, by any Warrant, Commission, or Order from His Maiesty, without the advice, and consent of the Lords and Commons in Parliament; And that all persons whatsoever doe forbear to execute any such Commission, or Warrant for levying Souldiers, or gathering them together, without consent of Parliament; And those who shall execute or obey any such Commission, or Warrant, are hereby declared to bee disturbers of the peace of the Kingdome. And the Lord Lievetenant of the County of *Lancaster*, and all Lord Lieutenants of all other Counties in the Kingdome of *England*, or Dominion of *Wales* respectively, as likewise all Deputy Lieutenants, Captaines, and Officers of the Trained Bands, and all Majors, Justices of Peace, and other His Majesties loving Subjects, are hereby commanded, and required to be ayding and assisting to the said Sheriffe of the County of *Lancaster*, and to the other Sheriffs of the other Counties of this Kingdome, and of the Dominion of *Wales*; And that His Majesties loving Subjects may the better understand what the Law, and their owne duty is in this behalfe, the said Sheriffe of *Lancaster*, and other Sheriffs of the other Counties of this Kingdome respectively, shall cause this present Order forth-with to be published, in the severall Market Townes within their said Counties.

Sabbathi 28, Maii, 1642.

O Rdered by the Lords in Parliament, That these Orders bee forthwith Printed and published.

John Brown Cler. Parl.

By

By the King.

A Proclamation forbidding all His Majesties Subjects belonging to the Trained Bands or *Militia* of this Kingdom, to Rise, March, Muster or Exercise, by vertue of any Order or Ordinance of one or both Houses of Parliament, without consent or Warrant from His Majesty, upon pain of punishment according to the Laws.

VV Hereas by the Statute made in the seventh year of King Edward the first. The Prelats, Earls, Barons, and Communalty of the Realm affirmed in Parliament, That to the King it belongeth, and His part it is by His Royall Seigniorie straightly to defend wearing of Armour, and all other Force against the Peace, at all times when it shall please Him, and to punish them which shall do contrary, according to the Laws and Usages of the Realme, and hereunto all Subjects are bound to aid the King as their Sovereigne Lord, at all seasons, when need shall be. And whereas Wee understand, That expressly contrary to the said Statute, and other good Lawes of this Our Kingdom, under colour and pretence of an Ordinance of Parliament, without Our consent or any Commission or Warrant from Us, The trained Bands and Militia of this Kingdom, have been lately, and are intended to be put in Arms, and drawn into Companies in a Warlike manner, whereby the Peace and Quiet of Our Subjects is, or may be disturbed: Wee being desirous by all gracious and faire Admonitions to prevent, that some Malignant persons in this Our Kingdom do not by degrees seduce Our good Subjects from their due Obedience to Us, and the Lawes of this Our Kingdom, subtilly endeavouring by a generall Combustion or Confusion to hide their mischievous Designes and Intentions against the Peace of this Our Kingdome, and under a specious pretence of putting Our Trained Bands into a Posture, draw and engage Our good Subjects in a warlike Opposition against Us, as Our Town of Hull is already by the Treason of Sir John Hotham, who at first pretended to put a Garrison into the same onely for Our Security and Service.

Wee do therefore by this Our Proclamation expressly Charge and Command all Our Sheriffs, and all Colonels, Lieutenants-Colonels, Serjeant-Majors, Captaines, Officers, and Souldiers belonging to the Trained Bands of this Our Kingdom, and likewise all High and Petty-Constables, and other Our Officers and Subjects whatsoever, upon their Allegiance,

and as they tender the Peace of this Our Kingdome, Not to Muster, Lea-
vy, Raise, or March, or to Summon, or Warn upon any Warrant, Order,
or Command from one, or both Our Houses of Parliament (whereunto We
have not, or shall not give Our expresse Consent) any of Our Trained
Bands, or other Forces, to Rise, Muster, March or Exercise, without ex-
presse Warrant under Our Hand, or Warrant from Our Sheriffe of the
County, grounded upon a particular Writ to that purpose, under Our great
Seal. And in case any of Our Trained Bands shall Raise, or gather toge-
ther contrary to this Our Command We shal then call them in due time to
a strict Account, and proceed Legally against them as Violaters of the
Laws, and Disturbers of the Peace of the Kingdome.

Given at Our Court at York the 27 day of May 1642.

God save the King,

By the King.

Our Will and Pleasure is, That the Ministers, Free-holders, Far-
mers, and substantiall Copy-holders of this Our County of York, doe
assemble and meet together at Heweth Moor, neer Our City of York upon
Friday in Whitsonweek (according to former Summons) by nine of the
clock in the morning. For that We are informed there are divers Faires
to be kept in this County the day following, at which time many of them
may have necessary occasion to be absent: And therefore out of our tender-
ness and care of our good Subjects, Wee have thought fit to give this
early Notice, to the end the said Inhabitants may be put to as little Preju-
dice as may be. And this our Pleasure We require to be forthwith Printed
and Copies thereof to be speedily published and dispersed by the Sheriffe
of this County: For which this shall be sufficient Warrant.

Given at Our Court at York, the 27 day of May, 1642.

A Declaration of the Lords and Commons in Parliament concerning his Majesties Proclamation, May 27, 1642.

THe Lords and Commons having perused his Majesties Proclamation
forbidding all his Majesties Subjects belonging to the Trained Bands,
or Militia of this Kingdome, to rise, march, muster, or exercise by ver-
tue

the of any Order or Ordinance of one or both Houses of Parliament without consent or Warrant from his Majesty upon paine of punishment according to the Lawes.

Do thereupon declare that neither the Statute 7 *Ed.* the first therein vouch'd, nor any other Law of this Kingdome doth restraine or make void the Ordinance agreed upon by both Houses of Parliament for the ordering and disposing the *Militia* of the Kingdome in this time of extreame and imminent danger, nor expose his Majesties Subjects to any punishment for obeying the same, Notwithstanding that his Majesty hath refused to give his consent to that Ordinance, but ought to be obeyed by the fundamentall Lawes of this Kingdome.

The Declaration of 7 *Ed.* 1. quoted in his Majesties Proclamation runneth thus. The King to the Justices of his Bench sendeth greeting: Whereas of late before certaine persons deputed to treat upon sundry Debates had between us and certain great men of our Realme, amongst other things, it was accorded that in our next Parliament; after provision shall be made by us, and the common assent of the Prelates, Earles and Barons, that in all Parliaments, Treaties and other Assemblies which should be made in the Realme of England for ever, that every man shall come without all force and Armour, well and peaceable to the honour of Us and the peace of Us and our Realme, and now in our next Parliament at *Westminster* after the said Treaties, the Prelates, Earls, Barons and the Comminalty of our Realm there assembled to take advise of this businesse have said that to us belongeth, and our part is through our Royall Seigniorie straitly to defend force of Armour, and all other force against Our peace at all times, when it shall please us, and to punish them which shall doe contrary according to our Lawes and usages of Our Realme. And hereunto they are bound to aid Us as their Sovereigne Lord at all seasons when need shall be. We command you that you cause these things to be read afore you in the said Bench, and there to be inrolled. Given at *Westminster* the 30 day of *October*.

The occasion of this Declaration for the Restraint of armed men from coming to the Parliament to disturbe the peace of it, and is very improperly alledged for the maintenance of such Levies as are now raised against the Parliament the title of the Statute being thus, to all Parliaments and Treatises, every man shall come without force and armes; so that the Question is not whither it belong to the King or no, to restrain such force, but if the King shall refuse to discharge that duty and trust whither there is not a power in the two Houses to provide for the safety of the Parliament, and peace of the Kingdom, which is the end for which the Ordinance concerning the *Militia* was made, and being agreeable to the scope and purpose of the Law cannot in Reason be

adjudged to be contrary to it, for although the Law doe affirme it to be in the King, yet it doth not exclude those in whom the Law hath placed a power for that purpose, as in the Courts of Justice, that Sheriffs and other Officers and Ministers of those Courts, and as their power is derived from the King by his Patents, yet cannot it not be restrained by His Majesties Command, by His great Seale or otherwise, much lesse can the power of Parliament be concluded by his Majesties Command, because the Authority thereof is of a higher and more eminent nature then any of those Courts.

It is acknowledged that the King is the Fountain of Justice and protection, but the Acts of Justice and protection are not exercised in his own person, nor depend upon his pleasure but by his Courts, and by his Ministers who must doe their duty therein, though the King in his own person should forbid them, and therefore if judgments should be given by them against the Kings will and personall Command, yet are they the Kings judgement.

The high Court of Parliament is not onely a Court of Judicature enabled by the Laws to adjudge and determine the Rights and Liberties of the Kingdom, against such Patents, and Grants of his Majesty, as are prejudiciall thereunto, although strengthened both by his personall commands, and by his Proclamation under the great Seale. but it is likewise a Councell to provide for the necessity, to prevent the imminent dangers, and preserve the publike peace and safety of the Kingdom, and to declare the Kings pleasure in those things as are requisite thereunto, and what they doe herein hath the stampe of Royall authority, although his Majesty seduced by evill Councell, do in his own person oppose or interrupt the same for the Kings Supream power and Royal pleasure is exercised and declared in this high Court of Law and Councell after a more eminent and obligatory manner, then it can be by any personall Act or Resolution of his own.

Seeing therefore the Lords and Commons which are his Majesties greatest and highest Councell have ordained that for the present and necessary defence of the Realme, the Trained Bands and *Militia* of this Kingdom should be ordered according to that Ordinance, and that the Town of *Hull* should be committed to the custody of Sir *John Heslam* to be preserved from the attempts of Papists, and other malignant persons, who thereby might put the Kingdome into a combustion which is so far from being a force against the Kings peace, that it is necessary for the keeping and securing thereof, and for that end alone is intended, and all his Majesties loving Subjects, aswell by the Law, as by other Laws are bound to be obedient thereunto, and what they doe therein, is according to that Law to be interpreted to be done in aide of the King in discharge of that trust which hee is tyed to performe; And it is so far from being lyable to punishment, that if they should refuse to doe it, or be perswaded by any

any Commission, or Command of his Majestie to doe the contrary, they might justly be punished for the same according to the Lawes and usages of the Realm, for the King by his Sovereignty is not inabled to destroy his people but to protect and defend them; And the high Court of Parliament, and all other his Majesties Officers and ministers ought to be subservient to that power and authority which Law hath placed in his Majesty to that purpose, though he himselfe in his own person should neglect the same.

Wherefore the Lords and Commons doe declare the said Proclamation to be voide in Law, and of none effect, For that by the Constitution and policy of this Kingdome, the King by His Proclamation, cannot declare the Law contrary to the Judgement, and Resolution of any of the inferiour Courts of Justice, much lesse against the high Court of Parliament; for if it were admitted, That the King by his Proclamation may declare a Law, thereby His Proclamations will in effect become Lawes, which would turne to the subverting of the Law of the Land, and the Rights and Liberties of the Subjects.

And the Lords and Commons doe require and Command all Constables, petty Constables, and all other His Majesties Officers and Subjects whatsoever, to Muster, levie, raise, march and exercise, or to summon, or warne any upon Warrant from the Lieutenants, Deputy-Lieutenants, Captaines, or other Officers of the Trained Bands, and all others according to the said Ordinance of both Houses, and shall not presume to Muster, levie, raise, march or exercise by vertue of any Commission or other authority whatsoever, as they will Answer the contrary at their perill. And in their so doing, they doe further declare that they shall be protected by the power and authority of both Houses of Parliament, and that whosoever shall oppose, question or hinder them in the execution of the said Ordinance, shall be proceeded against as violaters of the Lawes, and disturbers of the peace of the Kingdome.

FINIS.

Die Iovis 2 Iunii, 1642.

IT is this day Ordered by the Commons now assembled in Parliament, That the severall Members of this House doe forthwith give their Attendance upon the publick Service of this Common-wealth with which they are entrusted by their Countries. And the Sheriffs of the severall Counties of this Kingdom of *England*, and Dominion of *Wales* are required to give Notice of this Order unto all such Members of the House of Commons as are within the respective Counties; and speedily to make returne of such their doings, unto the *Speaker* of that House: And all such as shall not make their personall appearance by the sixteenth day of this instant *June*, in the House of
Com-

Commons, shall each one forfeit One hundred pounds, to be disposed of the Wars in *Ireland*, and undergo such further censure and punishment as the said House shall think fit for so great neglect of their duty in a time that so necessarily requires their assistance.

Provided always, That all such as are specially employed by this House, are to remain in such employments, untill they shall have particular Directions for their return.

Ordered that it be forthwith Printed.

H. Elsing Cler. Parl. Dom. Com.

Die Iovis 2 Iunii, 1642.

WHereas it doth appeare to the Lords and Commons in Parliament, That the King, seduced by wicked Counsell, doth intend to leavy War against his Parliament; And whereas Information hath beene given, That the Jewels of the Crowne (which by the Law of the Land ought not to be alienated) are either pawned or sold in *Amsterdam*, or some other parts beyond the Seas, and thereby great Sums of Money provided to be returned to *York*, or to some of His Majesties Servants or Agents for His Majesties use: And whereas 'tis more then probable, That this great Provision of Moneys in such an extraordinary way, is to mayntain this intended War, and thereby to bring the whole Kingdom into utter ruine and combustion. It is therefore declared by the Lords and Commons in Parliament, That whosoever hath been, or shall be an Actor in the selling or pawning of any Jewels of the Crown, or hath, or shall pay, lend, send, or bring any Money in *Specie* into this Kingdom, for, or upon any of those Jewels; Or whosoever hath, or shall accept of any Bill from beyond the Seas, for the payment of any sum of Money for, or upon any of those Jewels, and shall passe any sum according to such Bill, after notice of this Order, without acquainting this House with the receipt of such Bill before he accept the same; Or if hee have already accepted any such Bill, then with the acceptance thereof before the payment of the Money, Every such person shall be held and accounted a promoter of this intended Warre, an enemy to the State, and ought to give satisfaction for this publike damage out of his own Estate.

H. Elsing Cler. Parl. D. Com.

The

The humble Petition and Advice of both Houses of
Parliament, with nineteen Propositions, and
the Conclusion sent unto His Majesty the
second of June, 1642.

Your Majesties most humble and faithfull Subjects, the Lords & Commons in Parliament, Having nothing in their thoughts and desires, more precious and of higher esteem (next to the honour and immediate Service of God) then the just and faithfull performance of their duty to Your Majesty, and this Kingdome; And being very sensible of the great distractions and distempers, and of the imminent dangers, and calamities which those distractions and distempers are like to bring upon Your Majesty, and Your Subjects; All which have proceeded from the subtill informations, mischievous practices, and evill Councils of men, disaffected to Gods true Religion, Your Majesties Honour, and safety, and the publike peace and prosperity of Your People, after a serious observation of the Causes of those mischiefs; Doe in all humility, and sincerity present to Your Majesty their most dutiful Petition and Advice, That out of Your Princely Wisdom, for the establishing Your Own Honor, and safety, and Gracious tendernesse of the Welfare, and Security of Your Subjects, and Dominions. You will be pleased to grant and accept these their humble Desires and Propositions, as the most necessary effectuall Means through Gods blessing of removing those Jealousies, and Differences, which have unhappily saine betwixt You, and Your People, and procuring both Your Majesty, and them a constant course of Honour, Peace, and Happynesse.

The Propositions.

1 That the Lords and others of Your Majesties Privy Councell, and such great Officers, and Ministers of State, either at home, or beyond the Seas, may be put from Your Privy Councell, and from those Offices and employments, excepting such as shall be approved of by both Houses of Parliament. And that the Persons put into the places and employment of those that are removed, may be approved of by both Houses of Parliament. And that Privy Councellors shall take an Oath for the due execution of their places, in such form as shall be agreed upon by both Houses of Parliament.

2 That the great Affairs of the Kingdome, may not be concluded or transacted by the advice of private men, or by any unknown, or unsworne Counsellors, but that such matters as concern the publike, and are proper for the High

R r

Court

Court of Parliament, which is Your Majesties great and Supreme Councell, may be debated, resolved and transacted only in Parliament, and not elsewhere; and such as shall presume to doe any thing to the contrary, shall be referred to the censure and judgment of Parliament, and such other matters of State, as are proper for Your Majesties Privy Councell, shall be debated and concluded by such of the Nobility, and others, as shall from time to time be chosen for that place, by approbation of both Houses of Parliament. And that no publike Act concerning the Affairs of the Kingdom, which are proper for Your Privy Councell, may be esteemed of any Validity, as proceeding from the Royall Authority, unlesse it be done by the Advice and Consent of the Major part of Your Councell, attested under their hands. And that Your Councell may be limited to a certain number, not exceeding twenty five, nor under fifteen; And if any Councillors place happen to be void in the intervall of Parliament, it shall not be supplied without the Assent of the Major part of the Councell, which choice shall be confirmed at the next sitting of Parliament, or else to be void.

3 That the Lord high Steward of *England*, Lord high Constable, Lord Chancellour, or Lord Keeper of the great Seale, Lord Treasurer, Lord Privy Seale, Earle Marshall, Lord Admirall, Warden of the Cinque-ports, chiefe Governour of *Ireland*, Chancellour of the Exchequer, Master of the Wards, Secretaries of State, two chief Justices, and chief Baron may alwayes be chosen with the Approbation of both Houses of Parliament; and in the Intervalls of Parliaments by Assent of the Major part of the Councell, in such manner as is before exprest in the choice of Councillors.

4 That hee, or they, unto whom the Government, and Education of the Kings Children, shall be committed, shall be approved of by both Houses of Parliament, and in the Intervalls of Parliaments, by the Assent of the Major part of the Councell in such manner, as is before exprest in the choice of Councillors; And that all such Servants, as are now about them, against whom both Houses shall have any just exceptions, shall be removed.

5 That no Marriage shall be concluded or treated for any of the Kings Children, with any forreigne Prince, or other person whatsoever, abroad, or at home, without the consent of Parliament, under the penalty of a *Premunire* unto such as shall be concluded, or treat any Marriage, as aforesaid; And that the said penalty shall not be pardoned, or dispenced with, but by the consent of both Houses of Parliament.

6 That the Laws in force against Jesuits, Priests, and Popish Recusants be strictly put in execution, without any Toleration, or Dispensation to the contrary; And that some more effectuall course may be enacted by Authority of Par-

Parliament, to disable them from making any disturbance in the State, or eluding the Law by trusts or otherwise.

7 That the Votes of Popish Lords in the House of Peeres may be taken away, so long as they continue papists; And that Your Majesty will consent to such a Bill as shall be drawne, for the education of the children of papists by Protestants in the Protestant Religion.

8 That Your Majesty will be pleased to consent that such a Reformation be made of the Church Government and Liturgy as both Houses of Parliament shall advise; wherein they intend to have Consultations with Divines, as is expressed in their Declaration to that purpose: And that Your Majesty will contribute Your best assistance to them, for the raising of a sufficient Mayntenance for preaching Ministers thorow the Kingdom; And that Your Majesty will be pleased to give Your Consent to Laws for the taking away of Innovations and Superstition, and of Pluralities, and against scandalous Ministers.

9 That Your Majesty will be pleased to rest satisfied with that Course that the Lords and Commons have appointed for ordering of the *Militia* untill the same shall be further settled by a Bill: And that Your Majesty will recall Your Declarations and Proclamations against the Ordinance made by the Lords and Commons concerning it.

10 That such Members of either House of Parliament as have during this present Parliament been put out of any Place and Office, may either be restored to that Place and Office, or otherwise have satisfaction for the same, upon the Petition of that House whereof he or they are Members.

11 That all Privy Councillors and Judges may take an Oath, the Forme whereof to be agreed on, and settled by Act of Parliament, for the mayntaining of the petition of Right, and of certain Statutes made by this Parliament which shall be mentioned by both Houses of Parliament; And that an inquiry of all the breaches and violations of those Laws may be given in charge by the Justices of the Kings Bench every Term, and by the Judges of Assize in their Circuits, and Justices of the Peace at the Sessions, to be presented and punished according to Law.

12 That all the Judges, and all the Officers placed by approbation of both Houses of Parliament may hold their places, *quam diu bene se gesserint*.

13 That the Justice of Parliament may passe upon all Delinquents, whether they be within the Kingdome, or fled out of it; And that all persons cited by either House of Parliament, may appeare, and abide the censure of Parliament.

14 That the generall pardon offered by Your Majesty may be granted with such exceptions as shall be advised by both Houses of Parliament.

15 That the Forts and Castles of this Kingdom may be put under the command and custody of such persons as Your Majesty shall appoint, with the approbation of Your Parliament, and in the intervals of Parliament, with approbation of the major part of the Councill, in such manner as is before expressed in the choice of Councillours.

16 That the extraordinary Guards and Military Forces, now attending Your Majesty, may be removed and discharged, and that for the future You will rayse no such Guards, or extraordinary Forces, but according to the Law, in case of actuall Rebellion or Invasion.

17 That Your Majesty will be pleased to enter into a more strict Allegiance with the States of the United Provinces, and other Neighbour Princes and States of the Protestant Religion, for the defence and mayntenance thereof against all Designes and Attempts of the Pope and his Adherents to subvert and suppress it, whereby Your Majesty will obtain a great accessse of strength and reputation, and Your Subjects be much encouraged and enabled in a Parliamentary way for Your ayd and assistance in restoring Your Royall Sister and her Princely Issue to those Dignities and Dominions which belong unto them, and relieving the other distressed Protestant Princes who have suffered in the same Cause.

18 That Your Majesty will be pleased by Act of Parl. to cleere the Lord *Kimbolton* and the five Members of the House of Commons in such manner, that future Parliaments may be secured from the consequence of that evill president.

19 That Your Majesty will be graciously pleased to passe a Bill for restraining Peers made hereafter, from sitting or voting in Parliament, unlesse they be admitted thereunto with the consent of both Houses of Parliament.

ANd these our Humble Desires being granted by Your Majesty, wee shall forthwith apply our selves to Regulate Your present Revenue in such sort, as may be for Your best advantage, and likewise to settle such an ordinary, & constant increase of it as shall be sufficient to support Your Royall Dignity in honour and plenty, beyond the proportion of any former Grants of the Subjects of this Kingdom to Your Majesties Royall Predecessors. We shall likewise put the Town of *Hull* into such hands, as Your Majesty shall appoint, with the Consent and Approbation of Parliament, and deliver up a just accompt of all the Magazine, and cheerfully imploy the uttermost of our power and endeavours in the real expression and performance of our most dutifull and loyall Affections, to the preserving and mayntayning the Royall Honour, Greatnesse, and Safety of Your Majesty, and Your Posterity.

P I N I S.

H. Elsyng Cler. Parl. Dom. Com.

His

His Majesties Answer to the nineteen Propositions of both Houses of Parliament.

BEfore We shal give you Our Answer to your Petition and Propositions, Wee shall tell you, that Wee are now cleerly satisfied, why the Method, which We traced out to you by Our Message of the twentieth of *January*, and have since so often pressed upon you, as the proper way to compose the distractions of this Kingdome, and render it truly happy, hath 'beene hitherto declined, and is at length thought fit to be looked upon; Wee now see plainly (and desire that you, and all other Our good Subjects should doe so too) that the Cabalists of this businesse have with great prudence reserved themselves, untill due preparations should be made for their Designe.

If they had unseasonably vented such propositions, as the Wisdom and Modesty of your Predecessours never thought fit to offer to any of Our Progenitors, nor We in honour or regard to Our Regall Authority (which God hath entrusted Us with for the good of Our people) could receive without just indignation (and such many of your present propositions are) their hopes would soon have been blasted, and those persons, to whom Offices, Honours, Power and Commands were designed, by such ill timing of their businesse, would have failed of their expectation, not without a Brand upon the attempt. Therefore, before any of this nature should appeare, they have (certainly with great wisdom in the Conduct of it) thought fit to remove a troublesome Rub in their way, *The Law*; To this end, (that they might undermine the very foundations of it) a new power hath been assumed to interpret and declare Laws without Us by extemporary Votes, without any Case judicially before either House (which is in effect the same thing as to make Laws without Us) Orders and Ordinances made onely by both Houses (tending to a pure Arbitrary power) were pressed upon the people as Lawes, and their obedience required to them.

Their next step was, To erect an upstart Authority without Us, (in whom, and onely in whom the Laws of this Realme have placed that power) To command the *Militia*, (very considerable to this their Designe;) In further order to it they have wrested from Us Our Magazine and Town of *Hull*, and bestrid Sir *John Horham* in his bold-fac'd Treason; They have prepared and directed to the people unprecedented Invectives against Our Government, thereby (as much as lay in their power) to weaken Our just Authority and due esteeme among them; They have as injuriously as presumptuously (though We conceive by this time Impudence it selfe is ashamed of it) attempted to cast upon Us a-

specious of an unheard of nature, as if Wee had favoured a *Rebellion in Our own Bowels*; They have likewise broached new Doctrine. *That We are obliged to passe all Laws that shall be offered to Vs by both Houses* (howsoever our owne Judgement and Conscience shall be unsatisfied with them) a point of policy, as proper for their present businesse, as destructive to all Our Rights of Parl. And so with strange [shamelesse] will forget a clause in Law still in force, made in the second year of King H. 3. wherein both Houses of Parliament do acknowledge, *That it is of the Kings Regality to grant or deny such of their Petitions as pleaseth Himself*; They have interpreted Our necessary Guard, legally assembled for the Defence of Us and Our Childrens persons against a Traitor in open Rebellion against Us, to be *with intent to levy War against Our Parliament*, (the thought whereof Our very soul abhorreth) thereby to render Us odious to Our people.

They have so awed Our good Subjects with Purvivants, long chargeable Attendance, Heavy Censures and illegall Imprisonments, that few of them durst offer to present their tenderesse of Our Sufferings, their owne just Grievances, and their sense of those violations of the Law, (the Birth-right of every Subject of this Kingdom) though in an humble petition directed to both Houses; and if any did, it was stifled in the Birth, called *Sedition*; and burnt by the common Hangman.

They have restrained the Attendance of Our ordinary and necessary Household-servants, and seized upon those small sums of Money which Our Credit had provided to buy Us Bread, With Injunctions That none shall be suffered to be conveyed or returned to Us to *Yorke*, or any of Our Peers or Servants with Us, so that (in effect) they have blocked Us up in that County.

They have filled the ears of the People with the noise of Feares and Jealousies, (though taken up upon trust) tales of Skippers, Salt-Fleets, and such like, by which Alarms they might prepare them to receive such impressions, as might best advance this Designe when it should be ripe. And now it seemes they thinke We are sufficiently prepared for these bitter Pills, Wee are in a handsome Posture to receive these *humble desires*, (which probably are intended to make way for a Superfétation of a (yet) higher nature, (if Wee had not made this discovery to you) for they doe not tell Us this is all. In them We must observe that these Contrivers (the better to advance their true ends) disguised as much as they could their intents with a mixture of some things really to be approved by every honest man; Others, specious and popular; And some which are already granted by Vs; All which are cunningly twisted and mixed with those other things of their main Designe of Ambition and private interest; in hope, that at the first view, every eye may not so clearly discern them in their proper colours.

We

We would not be understood, That wee intend to fix this Designe upon both, or either House of Parliament; We utterly professe against it, being most confident of the Loyalty, good affections and integritie of the intentions of that great Body, and knowing well that very many of both Houses were absent, and many dissented from all those particulars VVe complain of: But VVe doe beleve, and accordingly professe to all the World, that the Malignity of this Designe (as dangerous to the Lawes of this Kingdome, the Peace of the same, and the Liberties of all Our good Subjects, as to Our Selfe, and Our just Prerogative) hath proceeded from the subtrill Informations, mischievous Practices, and evill Counsels of ambitious turbulent Spirits, disaffected to Gods true Religion, and the Unitie of the Professors thereof, Our Honour and Safety, and the publicke Peace and prosperity of Our people, not without a strong influence upon the very actions of both Houses. But how faulty soever others are, VVe shall (with Gods assistance) endeavour to discharge Our duty with uprightnesse of heart; And therefore since these Propositions come to Us in the name of both Houses of Parliament, We shall take a more particular notice of every of them.

If the 1. 2. 3. 4. 5. 9. 10. 15. 16. 19. Demands had been writ and printed in a tongue unknowne to Us and Our people, it might have been possible VVe and they might have charitably beleaved the Propositions to be such as might have been in Order to the ends pretended in the Petition (to wit) *the establishing of Our Honour and Safety, the welfare and Security of Our Subjects and Dominions and the removing those Jealousies and Differences which are said to have unhappily fallen betwixt Vs and Our people, and procuring both Vs and them a constant course of Honour, Peace and happinesse.* But being read and understood by all, We cannot but assure Our Selfe that this Profession, joyned to these Propositions, will rather appeare a Mockery and a Scorne; The Demands being such, as VVe were unworthy of the trust reposed in Us by the Law, and of Our Descent from so many great and famous Ancestours, if VVe could be brought to abandon that power, which onely can inable Us to performe what We are sworne to, in protecting Our People and the Lawes, and so assume others into it, as to devest Our selfe of it; Although not onely Our present Condition (which it can hardly be) were more necessitous then it is, and VVe were both vanquisht, and a Prisoner, and in a worse condition then ever the most unfortunate of Our Predecessours have been reduced to, by the most criminall of their Subjects; And though the Bait laid to draw Us to it, and to keep Our Subjects from indignation at the mention of it, the promises of a *plentifull and unparallel'd Revenue*, were reduced from generals (which signifie nothing) to cleare and certaine particulars, since such a Bargaine would have but too great a resemblance of that of *Esau*, if We should part with such

Flowers of Our Crowne, as are worth all the rest of the Garland, and have been transmitted to Us from so many Ancestours, and have been found so usefull and necessary for the welfare and Security of Our Subjects, for any present necessity, or for any low and fordid Considerations of Wealth and gain. And therefore all men knowing that those Accommodations are most easily made, and most exactly observed, that are grounded upon reasonable and equall Conditions, We have great Cause to beleieve, that the Contrivers of these had no intention of settling any firme Accommodation but to increase those Jealousies, and widen that division, which (not by Our fault) is now unhappily fallen between Us and both Houses.

It is asked, *That all the Lords and others of Our privy Councell, and such* (We know now what you mean by *such*, but VVe have cause to thinke you mean *all*) *great Officers and Ministers of State, either at home or beyond the Seas,* (For care is taken to leave out no Person or place that Our dishonour may be sure not to be bounded within this Kingdome, though no subtile Insinuations at such a distance can probably be beleaved to have been the cause of Our distractions and dangers) *should be put from Our Privy Councell, and from those Offices and employments, unlesse they be approved by both Houses of Parliament,* how faithfull soever We have found them to Us and the publick, and how far soever they have been from offending against any Law, the onely rule they had or any others ought to have to walke by. We therefore to this part of this demand return you this Answer, That we are willing to grant that they shall take a larger Oath then you your selves desire in your 11. Demand; for maintaining not of any part but of the whole Law; And We have and doe assure you, That We will be carefull to make election of such persons in those places of trust, as shall have given good testimonies of their abilities and integrities, and against whom there can be no just cause of exception, whereon reasonably to ground a diffidence; That if We have or shall be mistaken in Our election, We have and doe assure you, that there is no man so neere to Us in place or affection, whom VVe will not leave to the Justice of the Law, if you shall bring a particular charge and sufficient proofes against him; And that We have given you (the best pledge of the effects of such a promise on Our part, and the best security for the performance of their dutie on theirs) *a Trienniall Parliament*, the apprehension of whose Justice will in all probability make them wary how they provoke it, and Us wary how We chuse such, as by the discovery of their faults may in any degree seem to discredit Our election. But that without any shadow of a fault objected, only perhaps because they follow their conscience, and preserve the established Laws, and agree not in such Votes, or assent not to such Bills, as some persons, who have now too great an Influence even upon both Houses, judge or seeme to judge to be for the publick good, and

as are agreeable to that new *Utopia* of Religion and Government into which they endeavour to transform this Kingdome; (for We remember what names, and for what Reasons you left out in the Bill offered Us concerning the *Militia*, which you had your selves recommended in the Ordinance) We will never consent to the displacing of any, whom for their former merits from, and affection to Us and the publick, We have intrusted, since VVe conceive, That to doe so, would take away both from the affection of Our servants the care of Our service, and the Honour of Our Justice. And We the more wonder, That it should be askt by you of Us, since it appeares by the 12th Demand, That your selves count it reasonable, after the present turne is served, *that the Judges and Officers who are then placed may hold their places quam diu se bene gesserint.* And VVe are resolved to be as care full of those VVe have chosen, as you are of those you would chuse, and to remove none, till they appeare to Vs to have otherwise behaved themselves, or shall be evicted by legall proceedings to have done so.

. But this Demand (as unreasonable as it is) is but one linke of a great Chain, and but the first round of that Ladder, by which Our Just, Ancient, Regall Power is endeavoured to be fetched down to the ground. For it appears plainly, that it is not with the persons now chosen, but with Our choosing that you are displeased; For you demand, *That the persons put into the places and employments of those who shall be removed, may be approved by both Houses;* which is so farre (as to some it may at first sight appeare) from being lesse then the power of nomination, that of two things (of which VVe will never grant either) VVe would sooner be content that you should nominate and We approve, then you approve and VVe nominate; The meere nomination being so farre from being any thing, that if VVe could doe no more, VVe would never take the paines to doe that, when VVe should onely hazard those, whom We esteemed, to the scorne of a refusall, if they hapned not to be agreeable not onely to the Judgement, but to the passion, interest or humour of the present major part of either House. Not to speake now of the great factions, animosities and divisions which this power would introduce in both Houses, between both Houses, and in the severall Countries, for the choice of persons to be sent to that place where that power was, and between the persons that were so chosen. Neither is this strange Potion prescribed to Vs onely for once, for the cure of a present, pressing, desperate disease, but for a dyet to Vs and Our Posterity; It is demanded, *That Our Counsellours, all Chiefe Officers both of Law and State, Commanders of Forts and Castles, and all Peeres hereafter made* (as to voicing without which how little is the rest?) *be approved of* (that is, chosen) *by them from time to time;* and rather then it should ever be left to the Crowne (to whom it onely doth and shall belong) *if any place fall voyd in the intermission of Parliam-*

ment, the major part of the approved Councell is to approve them. Neither is it only demanded, that VVe should quit the Power and Right Our Predecessors have had of appointing Persons in these places, but for Councelloars VVe are to be restrained, as well in the number, as in the persons, and a power must be annext to these places, which their Predecessors had not; And indeed if this power were past to them, it were not fit VVe should be trusted to choose those, who were to be trusted as much as we.

It is demanded, *That such matters as concerne the publicke, and are proper for the high Court of Parliament, (which is Our Great and Supream Councell) may be debated, resolved and transacted only in Parliament, and not elsewhere, and such as presume to doe any thing to the contrary shall be reserved to the Censure and Judgement of the Parliament, and such other matters of State, as are proper for Our Privy Councell shall be debated and concluded by such of Our Nobility (though indeed, if being made by Vs they may not Vote without the Consent of both Houses, we are rather to call them your Nobility) and others, as shall bee from time to time chosen for that place, by approbation of both Houses of Parliament, and that no publicke Act concerning the affaires of the Kingdome, which are proper for Our Privie Councell, may be esteemed of any validity, as proceeding from the Royall Authority, unlesse it be done by the Advice and Consent of the major part of our Councell, attested under their hands;* Which Demands are of that Nature, that to grant them were in effect at once to depose both Our selfe and Our Posteritie.

These being past. We may be waited on bare-headed; We may have Our hand kist; The Style of Majestie continued to Vs; And the Kings Authoritie, declared by both Houses of Parliament, may be still the Style of your Commands; We may have Swords and Maces carried before Vs, and please Our Self with the sight of a Crown and Scepter. (and yet even these Twigs would not long flourish, when the Stock upon which they grew were dead) but as to true and reall Power We should remain but the outside, but the Picture, but the signe of a King. We were ever willing that Our Parliament should debate, resolve and transact such matters as are proper for them, as far as they are proper for them: And We heartily wish, that they would be as carefull not to extend their Debates and Resolutions beyond what is proper to them, that multitudes of things punishable, and causes determinable by the Ordinary Iudicatures, may not be entertained in Parliament, and so cause a long, chargeable, fruitlesse attendance of Our People, and (by Degrees) draw to you as well all the causes, as all the faults of *Westminster-Hall*, and divert your proper businesse; That the course of Law be no wayes diverted much lesse disturbed, as was actually done by the stop of the proceedings against a Riot in *Southwark*, by Order of the House of Commons, in a time so riotous and tumultu-

ous, as much increased the danger of Popular insolencies, by such a countenance to Riots, and discountenance of Law; That you descend not to the leaseure of recommending Lecturers to Churches, nor ascend to the Legislative power, by commanding (the Law not having yet commanded it) that they whom you recommend be received, although neither the Parson nor Bishop do approve of them; And that the Refusers (according to the course so much formerly complained of to have been used at the Councel Table) be not sent for to attend to shew cause; At least, that you would consider conveniency, if not Law, and recommend none, but who are well known to you to be Orthodox, Learned, and Moderate, or at least such as have taken Orders, and are not notorious depravers of the Book of Common Prayer; A case which appeareth by the Discourses, Sermons and persons of some recommended by you, not to have been hitherto taken, and it highly concerns both you in dutie, and the Common-wealth in the consequences, that it should have been taken; That neither one estate transact what is proper for two, nor two what is proper for three, and consequently, that (contrary to Our declared will) Our Forts may not be seized; Our Armes may not be removed; Our Moneys may not be stoppt (Our legall Directions may not be countermanded by you, nor We desired to countermand them Our Self, nor such entrances made upon a Real War against Vs, upon pretence of an imaginarie War against you, and a *Chimera* of necessity. So far do you passe beyond your limits, whilst you seem by your Demand to be strangely straitned within them. At least We could have wisht you would have expressed, what matters you meant as *fit to be transacted onely in Parliament*, and what you meant by *onely in Parliament*. You have (of late) been perswaded by the new doctrines of some few to think that proper for your debates, which hath not used to be at all debated within those walls, but been trusted wholly with Our Predecessors and Vs, and to transact those things which without the Regall authoritie, since there were Kings of this Kingdom, were never transacted: It therefore concerns Vs the more that you speak out, and that both We and Our People may either know the bottom of your Demands, or know them to be bottomlesse. What concerns more the Publike, and is more (indeed) proper for the high Court of Parliament, then the making of Laws? which not onely ought there to be transacted, but can be transacted no where else; but then you must admit Vs to be a part of the Parliament, you must not (as the sense is of this part of this Demand, if it have any) deny the freedom of Our Answer, when We have as much right to reject what We think unreasonable, as you have to propose what you think convenient or necessary; nor is it possible Our Answers either to Bills, or any other Propositions should be wholly free, if We may not use the Liberty of every one of you, and of every Subject, and

receive advice (without their danger who shall give it) from any person known or unknown, sworn or unsworn, in these matters in which the Mānage of Our Vote is trusted by the Law, to Our own Iudgement and Conscience, which how best to inform, is (and ever shall be) left likewise to Vs; and most unreasonable it were that two Estates, proposing something to the Third, that Third should be bound to take no advice; whether it were fit to passe, but from those two that did propose it. We shall ever in these things which are trusted wholly to Vs by the Law, not decline to hearken to the Advice of Our great Councell, and shall use to hear willingly the free debates of Our Privie Councell (whensoever We may be suffered to have them for sending for, and they shall not be terrified from that freedom, by Votes (and Brands of Malignants and Enemies to the State for advising what no Law forbids to advise) but We will retain Our Power of admitting no more to any Councell then the Nature of the businesse requires, and of discoursing with whom We please, of what We please, and informing Our Understanding by debate with any Persons, who may be well able to Inform and Advise Vs in some particular, though their Qualities, Education or other Abilities may not make them so fit to be of Our sworn Councell, and not tye Our Self up not to hear any more then twenty five (and those not chosen absolutely by Vs) out of a Kingdom so replenished with Iudicious and Experienced Persons in severall kindes. And though We shall (with the proportionable Consideration due to them) alwayes weigh the Advices both of Our Great and Privie Councell, yet We shall also look upon their Advices, as Advices, not as Commands, or Impositions; upon them as Our Counsellours, not as Our Tutors and Guardians, and upon Our Self as their King, not as their Pupill, or Ward; for whatsoever of Regality were by the Modesty of Interpretation left in Vs in the first part of the second Demand, as to the Parliament, is taken from Vs in the second part of the same, and placed in this new fangled kinde of Councellours, whose power is such and so expressed by it that in all publike Acts concerning the Affairs of this Kingdom, which are proper for Our Privie Councell (for whose Advice all publike Acts are sometimes proper, though never necessary) they are desired to be admitted joynt Patentees with Vs in the Regality, and it is not plainly expressed whether they mean Vs so much as a single Vote in these Affairs: But it is plain they mean Vs no more at most then a single Vote in them, and no more power then every one of the rest of Our Fellow-Councellours; onely leave to Vs, out of their respect and dutie, (and that onely is left of all Our ancient Power) a Choice, whether these that are thus to be joyned with (or rather set over) Vs, shall be fifteen, or twenty five, and great care is taken that the Oath which these Men shall take, shall be such, in the framing the forme of which (though sure We are

not

not wholly unconcerned in it) We may be wholly excluded, and that wholly referred to be agreed upon by both Houses of Parliament.

And to shew that no more Care is taken of Our safety, then of Our Power, after so great indignities offered to Vs, and countenanced by those who were most obliged to resent them: After Our Town and Fort kept from Vs (from which, if it were no otherwise Ours, then the whole Kingdom is, We can no more legally be kept out then out of Our whole Kingdom, which sure your selves will not deny to be Treason) Our Arms, Our Goods sent away, and Our Money stopt from Vs, Our Guards (in which We have no other Intention then to hinder the end of these things from being proportionable to their beginnings) are not onely desired to be dismissed before satisfaction for the injurie, punishments of the injurers, and care taken for Our future Security from the like: But it is likewise desired, (and for this Law is pretended, and might as well have been for the rest, which yet with some ingenuity are it seems acknowledged to be but Desires of Grace) that We shall not for the future raise any Guards or extraordinary Forces but in case of actuall Rebellion or Invasion, which if it had been Law, and so observed in the time of Our Famous Predecessours, few of those Victories which have made this Nation famous in other parts, could have been legally achieved, nor could Our blessed Predecessour Queen *Elizabeth* have so defended Her self in 88. And if no Forces must be leaved till Rebellions and Invasions (which will not stay for the calling of Parliaments, and their consent for raising Forces) be actuall, they must undoubtedly (at least most probably) be effectuell and prevalent,

And as neither care is taken for Our Rights, Honour, nor safety as a Prince, so Our Rights as a private Person are endeavoured to be had from Vs, it being asked, that it may be unlawfull and punishable, not onely to conclude, but even to treat of any *Marriage with any Person for Our own Children, or to place Governours about them, without consent of Parliament, and in the intermission of those, without the consent of Our good Lords of the Councell*, that We may not onely be in a more despicable state then any of Our Predecessours, but in a meaner and viler condition then the lowest of Our Subjects, who value no liberty they have more, then that of the free Education and Marriage of their Children, from which We are asked to debar Our Self, and have the more reason to take it ill, that We are so, because for Our choice of a Governour for Our Son, and of a Husband for Our Daughter, (in which the Protestant Religion was Our principall Consideration) We conceived We had reason to expect your present thanks, and the increase of your future trusts.

We suppose these Demands by this time to appear such as the Demanders cannot be supposed to have any such reall fear of Vs as hath been long pretended.

tended, they are too much in the style, not onely of equals, but of Conquerours, and as little to be intended for removing of Jealousies (for which end they are said to be asked, and that is not as Merchants ask at first much more then they will take, but as most necessary to effect it which (if they be) God help this poor Kingdom, and those who are in the hands of such Persons, whose Jealousies nothing else will remove) which indeed is such a way, as if there being differences and suits between two persons, whereof one would have from the other severall parcells of his ancient Land, he should propose to him by way of Accommodation, that hee would quit to him all those in question, with the rest of his Estate, as the most necessary and effectuall means to remove all those suits and differences. But we call God to witnesse, that as for Our Subjects sake these Rights are vested in Vs, so for their sakes, as well as for Our own, We are resolved not to quit them, nor to subvert, (though in a Parliamentary way) the ancient, equall, happy, well-poised and never-enough commended Constitution of the Government of this Kingdom, nor to make Our Self of a King of *England* a Duke of *Venice*, and this of a Kingdom a Republique.

There being three kindes of Government amongst men, Absolute Monarchy, Aristocracy and Democracy, and all these having their particular conveniences and inconveniencies. The experience and wisdom of your Ancestors hath so moulded this out of a mixture of these, as to give to this Kingdome (as far as humane Prudence can provide) the conveniencies of all three, without the inconveniencies of any one, as long as the Balance hangs even betwene the three Estates, and they run joyntly on in their proper Chanell (begetting Verdure and Fertility in the Meadows on both sides) and the overflowing of either on either side raise no deluge or Inundation. The ill of absolute Monarchy is Tyranny, the ill of Aristocracy is Faction and Division. the ill of Democracy are Tumults, Violence and Licentiousnesse. The good of Monarchy is the uniting a Nation under one Head to resist Invasion from abroad, and Insurrection at home: The good of Aristocracy is the Conjunction of Counsell in the ablest Persons of a State for the publick benefit: The good of Democracy is Liberty, and the Courage and Industry which Liberty begets.

— In this Kingdome the Laws are joyntly made by a King, by a House of Peers, and by a House of Commons chosen by the People, all having free Votes and particular Priviledges: The Government according to these Laws is trusted to the King, Power of Treaties of War and Peace; of making Peers, of choosing Officers and Councillours for State, Judges for Law, Commanders for Forts and Castles, giving Commissions for raising men to make Warre abroad, or to prevent or provide against Invasions or Insurrections at home, benefit of Confiscations; power of pardoning, and some more of the like kinde
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are placed in the King. And this kind of regulated Monarchy having this power to preserve that Authority, without which it would be disabled to preserve the Laws in their Force, and the Subjects in their liberties and properties, is intended to draw to him such a Respect and Relation from the great Ones, as may hinder the ills of Division and Faction and such a Feare and Reverence from the people, as may hinder Tumults, Violence and licentiousnesse. Again, that the Prince may not make use of this high and perpetuall power to the hurt of those for whose good he hath it, and make use of the name of Publick Necessitie for the gain of his private Favourites and Followers, to the detriment of his People, the House of Commons (an excellent Conserver of Liberty, but never intended for any share in Government, or the chusing of them that should govern) is solely intrusted with the first Propositions concerning the Levies of Moneys (which is the sinewes as well of Peace as War) and the impeaching of those, who for their owne ends, though countenanced by any surreptitiously gotten Command of the King have violated that Law, which he is bound (when he knows it) to protect, and to the protection of which they were bound to advise him, at least not to serve him in the contrary. And the Lords being trusted with a Judicatorie power, are an excellent Screen and Bank between the Prince and People, to assist each against any Inroachments of the other, and by just Judgements to preserve that Law, which ought to be the Rule of every one of the three. For the better enabling them in this, beyond the Examples of any of Our Ancestors, We were willingly contented to Oblige Our Selfe, both to call a Parliament every three years and not to dissolve it in fiftie dayes, and for the present exigent, the better to raise Money, and avoide the pressure (no lesse grievous to Us then them) Our People must have suffered by a longer continuance of so vast a Charge as two great Armies, and for their greater certainty of having sufficient time to remedy the inconveniencies arisen during so long an absence of Parliaments, and for the punishment of the Cauers and Ministers of them, We yeeked up Our Right of dissolving this Parliament, expecting an extraordinary moderation from it in gratitude for so unexampled a Grace, and little looking that any *Malignant partie* should have been encouraged or enabled to have perswaded them, first to countenance the Injustices and Indignities We have endured, and then by a new way of Satisfaction for what was taken from Us, to demand of Us at once to Confirm what was so taken, and to give up almost all the rest.

Since therefore the Power Legally placed in both Houses, is more then sufficient to prevent and restrain the power of Tyranny, and without the power which is now asked from Us, Wee shall not be able to discharge that Trust which is the end of Monarchy, since this would be a totall Subversion of the Fundamentall Laws, and that excellent Constitution of this Kingdome, which
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hath made this Nation so many yeeres both Famous and happy to a great degree of Envie; since to the power of punishing (which is already in your hands according to Law) if the power of Preferring be added, We shall have nothing left for Us, but to looke on; since the incroaching of one of these Estates upon the power of the other is unhappy in the effects both to them and all the rest; since this power of at most a joynt Government in Us with Our Counsellours, (or rather Our Guardians) will returne Us to the worst kind of Minority, and make Vs despicable both at home and abroad, and beget eternall Factions and Dissentions (as destructive to publike Happinesse as War) both in the chosen, and the Houses that chuse them, and the people who chuse the Chusers; since so new a power will undoubtedly intoxicate persons who were not born to it; and beget not onely Divisions among them as equals, but in them contempt of Vs as become an equall to them, and Insolence and Injustice towards Our people, as now so much their inferiors, which will be the more grievous unto them, as suffering from those who were so lately of a neerer degree to themselves, and being to have redresse onely from those that placed them, and fearing they may be inclined to preserve what they have made, both out of kindenesse and policie; since all great changes are extremely inconvenient, and almost infallibly beget yet greater Changes, which beget yet greater Inconveniencies.

Since as great an one in the Church must follow this of the Kingdom; Since the second Estate would in all probability follow the Fate of the first, and by some of the same turbulent spirits Jealousies would be soon raised against them, and the like Propositions for reconciliation of Differences would be then sent to them, as they now have joyned to send to Vs, till (all Power being vested in the House of Commons, and their number making them incapable of transacting Affairs of State with the necessary Secrecie and expedition; those being retrusted to some close Committee) at last the Common people (who in the mean time must be flattered, and to whom Licence must be given in all their wilde humours, how contrary soever to established Law, or their own reall Good) discover this *Arcanum Imperii*, That all this was done by them, but not for them, grow weary of Iourny-work and set up for themselves, call Parity and Independance, Liberty; devour that Estate which had devoured the rest; Destroy all Rights and Proprieties, all distinctions of Families and Merit; And by this means this splendid and excellently distinguished form of Government end in a dark equall Chaos of Confusion, and the long Line of Our many noble Ancestors in a *Jack Cade*, or a *Wau Tylor*.

For all these Reasons to all these demands Our Answer is, *Nolumus Leges Anglia mutari*: But this VVe promise, that VVe will be as carefull of preserving

serving the Laws in what is supposed to concerne wholly Our Subjects, as in what most concerns Our Self: For indeed VVe professe to believe, that the preservation of every Law concerns Vs, those of obedience being not secure, when those of protection are violated; And Wee being most of any injured in the least violation of that, by which We enjoy the highest Rights and greatest Benefits, and are therefore obliged to defend no lesse by Our interest then by Our duty, and hope that no Jealousies to the contrary shall be any longer nourished in any of Our good People, by the subtile insinuations, and secret practices of men, who for private ends are disaffected to Our Honour and Safety, and the Peace and Prosperity of Our People. And to shew you, that no just indignation at so reproachfull offers shall make Us refuse to grant what is probable to conduce to the good of Our good People, because of the ill company it comes in, Wee will search carefully in this heap of unreasonable Demands, for so much as We may (complying with Our Conscience, and the duty of Our Trust) assent unto, and shall accordingly agree to it.

In pursuance of which Search, in the fourth proposition, under a Demand which would take from Us that trust which God, Nature, and the Laws of the Land have placed in Us, and of which none of you could endure to be deprived; Wee finde some thing to which Wee give this Answer, That Wee have committed the principall places about Our Children to persons of Quality, Integrity and piety, with speciall regard that their Tender yeers might be so seasoned with the principles of the true Protestant Religion, as (by the blessing of God upon this Our care) this whole Kingdome may in due time reap the fruit thereof: And as We have been likewise very carefull in the choice of Servants about them, that none of them may be such, as by ill principles, or by ill Examples to crosse Our endeavours for their pious and Vertuous Education, so if there shall be found (for all Our care to prevent it) any person about Our Children (or about Us, which is more then you ask) *against whom both Houses* shall make appeare to Us *any just exception*, We shall not onely remove them, but thank you for the Information; Onely We shall expect, that you shall be likewise carefull that there be no under-hand dealing by any to seek faults, to make room for others to succeed in their places.

For the fifth Demand, as Wee will not suffer any to share with Us in Our power of Treaties which are most improper for Parliaments, and lest in those Treaties in which wee are neerliest concerned, not onely as a King but as a Father, yet We do (such is Our desire to give all reasonable satisfaction) assure you by the word of a King, that We shall never propose or entertain any Treaty whatsoever for the Marriage of any of Our Children without due regard to the true Protestant profession, the good of Our Kingdoms, and the Honour of Our Family.

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For the sixth Demand, concerning *the Laws in force against Jesuits, Priests, and Popish Recusants*, We have by many of Our Messages to you, by Our voluntary promise to you, so solemnly made never to pardon any popish Priest, by Our strict Proclamations lately published in this point, and by the publike Examples which We have made in that case since Our Residence at *York*, and before at *London* sufficiently expressed Our zeal herein. Why doe you then aske that, in which Our own Inclination hath prevented you? And if you can yet find any more effectuall Course to disable them from Disturbing the State, or eluding the Law by trusts or otherwise, We shall willingly give Our Consent to it.

For the seventh, concerning *the Votes of Popish Lords*, Wee understand that they in discretion have withdrawn themselves from the Service of the House of Peers, (and had done so when use was publicly made of their names to asperse the Votes of that House, which was then counted as Malignant as those (who are called *Our unknown and unsworn Councellours*) are now) neither doe We conceive that such a positive Law against the Votes of any whose blood gives them that right, is so proper in regard of the privilege of Parliament, but are content, that so long as they shall not be conformable to the Doctrine and Discipline of the Church of *England*, they shall not be admitted to sit in the House of Peers, but onely to give their Proxies to such Protestant Lords as they shall chuse, who are to dispose of them as they themselves shall think fit, without any Reference at all to the Giver.

As to the desires for a *Bill for the Education of the Children of Papists by Protestants in the Protestant profession*, many about Us can witnesse with Us, That We have often delivered Our Opinion, that such a Course (with Gods blessing upon it) would be the most effectuall for the rooting out of popery out of this Kingdom; We shall therefore thank you for it, and encourage you in it, and when it comes unto Us, do Our Duty; And Wee heartily wish, for the publike good, that the time you have spent in making Ordinances without Us, had been employed in preparing this and other good Bills for Us.

For the eighth, touching *The Reformation to be made of the Church's Government and Liturgie*, Wee had hoped, that what Wee had formerly declared concerning the same, had been so sufficiently understood by you and all good Subjects, that We should not need to have expressed Our Selfe further in it. Wee told you in Our Answers to your Petition presented to Us at *Hampton Court* the first of *December*, That for any illegall Innovations which may have crept in. We should willingly concur in the removall of them; That if Our Parliament should advise Us to call a Nationall Synod, which may duly examine such Ceremonies as give just cause of Offence to any, We should take it into Consideration, and apply Our Self

Self to give due satisfaction therein; That Wee were perswaded in Our Conscience, that no Church could be found upon the Earth, that professeth the true Religion with more purity of Doctrine, then the Church of England doth, nor where the Government and Discipline are joyntly more beautified, and free from Superstition, then as they are here established by Law; which (by the grace of God) We will with Constancie mayntain (while Wee live) in their purity and Glory, not onely against all Invasions of Popery, but also from the Irreverence of those many Schismatics and Separatists, wherewith of late this Kingdome and Our City of London abounds, to the great dishonour and hazard both of Church and State; For the suppression of whom Wee required your timely and active assistance. We told you in Our first Declaration, Printed by the advice of Our Privy Councell, That for differences amongst our selves for matters indifferent in their own nature concerning Religion, We should in tendernesse to any member of Our loving Subjects very willingly comply with the advice of Our Parliament, that some Law might be made for the exemption of tender Consciences from punishment or prosecution for such Ceremonies, and in such Cases, which by the judgement of most men are held to be matters indifferent, and of some to be absolutely unlawfull; Provided, that this case should be attempted and pursued with that modesty, temper, and submission, that in the mean time the peace and quiet of the Kingdom be not disturbed, the Decency and Comeliness of Gods Service discountenanced, nor the Pious, Sober, Devout actions of those Reverend Persons who were the first Labourers in the blessed Reformation, or of that time, be scandalled and defamed. And we heartily wish, that others whom it concerned, had beene as ready (as their duty bound them, though they had not received it from Us) to have pursued this Caution, as We were, and still are willing and ready to make good every particular of that promise. Nor did We onely appear willing to joyn in so good a Work, when it should be brought Us, but prest and urged you to it by Our Message of the fourteenth of February, in these words, *And because His Majesty observes great and different troubles to arise in the hearts of His People, concerning the Government and Liturgie of the Church, His Majesty is willing to declare, That He will refer the whole consideration to the wisdom of His Parliament, which He desires them to enter into speedily, that the present distractions about the same may be composed: but desires not to be pressed to any single Act on His part, till the whole be so digested and settled by both Houses, that His Majesty may clearly see what is fit to be left, as well as what is fit to be taken away:* Of which We the more hoped of a good successe to the generall satisfaction of Our people, because you seeme in this Proposition to desire but a Reformation, and not (as is daily preached for as necessary in those many Conventicles which have within these nineteen moneths begun to swarm, and which, though their Leaders differ from

you in this opinion, yet appeare to many as countenanced by you, by not being punished by you, (few else, by reason of the Order of the House of Commons of the ninth of *September*, daring to doe it) a destruction of the present Discipline and Liturgy. And Wee shall most cheerfully give *Our best assistance for raising a sufficient mayntenance for preaching Ministers*, in such course as shall be most for the encouragement and advancement of Piety and Learning.

For the Bills you mention, and the Consultation you intimate, knowing nothing of the particular matters of the one (though We like the Titles well) nor of the manner of the other, but from an Informer (to whom Wee give little credit, and We wish no man did more) Common fame, Wee can say nothing till We see them.

For the eleventh We would not have the *Oath of all Privy Councillours and Judges* straightned to particular Statutes of one or two particular Parliaments, but extend to all Statutes of all Parliaments & the whole Law of the Land, and shal willingly consent *that an enquire of all the breaches and violations of the Law may be given in charge by the Iustices of the Kings Bench every Terme, and by the Iudges of Assize in their Circuits, and Iustices of Peace at the Sessions to be presented and punished according to Law.*

For the seventeenth, We shall ever be most ready, and We are sorry it should be thought needfull to move Us to it) not onely to joyn with any (particularly with the States of the *United Provinces*, of which Wee have given a late proof in the Match of Our Daughter) for the defence and mayntenance of *Protestant Religion*, against all *designes and attempts of the Pope and his adherents*, but singly (if need were) to oppose with Our life and fortune *all such Designs* in all other Nations, were they joyned: And that for Considerations of Conscience, far more then any temporall end of *obtaining acesse of strength and reputation*, or any naturall end of *restoring Our Royall Sister and her Princely Issue to their Dignities and Dominions*, though these be likewise much considered by Us.

For the eighteenth, It was not Our fault that an Act was not passed to *electre the Lord Kymbolton, and the five Members of the House of Commons*, but yours who inserted such Clauses into both the Preamble and Act (perhaps perswaded to it by some who wish not that you should in any thing receive satisfaction from Us) as by passing the Preamble Wee must have wounded Our Honour against Our Conscience, and by another Clause have admitted a Consequence, from which We could never have been secured, by declaring, *That no Member of either House, upon any Accusation of Treason, could have his Person seized without the Consent of that House of which he is a Member*, though the knowne Law be, *That Priviledge of Parliament extends not to Treason*, and if it did, any Member (the House being for a short time adjourned, and so their Consent not being

being so had) how reasonable soever his Intentions were, how cleerly soever known, and how suddenly soever to be executed, must have fair leave given him to go on and pursue them, no way, how Legall soever, after the passing such a Clause, being left to prevent it.

To conclude, We conjure you and all men to rest satisfied with the Truth of Our Professions, and the Reality of Our Intentions; not to aske such things as deny themselves; That you Declare against Tumults and punish the Authours; That you allow Us Our Propriety in Our Towns, Arms and Goods, and Our Share in the Legislative Power, which would be counted in Us, not onely breach of Priviledge, but Tyranny and Subversion of Parliaments to deny to you: And when you shall have given Us satisfaction upon those persons who have taken away the One, and recalled those Declarations (particularly that of the 26 of *May*, and those in the point of the *Militia*, (Our just Rights, wherein We will no more part with then with Our Crown, lest We enable others by them to take that from Us) which would take away the other, and declined the beginnings of a War against Us, under pretence of our Intention of making One against you: as We have never opposed the first part of the thirteenth Demand, so We shall be ready to concur with you in the latter.

And being then confident that the credit of those Men, who desire a generall combustion, will be so weakned with you, that they will not be able to do this Kingdom any more harm, We shall be willing to grant Our generall Pardon, with such exceptions as shal be thought fit, & shal receive much more joy in the hope of a full and constant Happineffe of Our people in the True Religion, and under the protection of the Law, by a blessed Union between Us and Our Parliament (so much desired by Us) then in any such increase of Our Owne Revenue (how much soever beyond former Grants) as (when Our Subjects were wealthiest) Our Parliament could have settled upon Us.

FINIS.

**His Majesties Declaration to the Ministers, Free-holders,
Farmers, and substantiall Copy-holders of the
County of York. June the third, 1642.**

WE would have you to be assured that We never intended the least neglect unto you in any former Summons of the Country, Our love, as well as Our protection, extending to all Our Subjects;
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But as you are a great Body, time and conveniency must be observed in your Assembling.

That you may know the generall Reasons of Our being here, you must understand, That when Wee found it neither safe nor honourable to expose Our Person to the tumultuous and licentious proceedings of many (which to this day are unpunished) who did disorderly approach neer Our Court at *Whitehall*, We trusted this part of Our Dominions chiefly to reside in; where, as most of the Gentry already have, so We assure Our selves the rest of you will give Us cleere testimony of your service and obedience, which We will never use otherwise then for the defence of the true Orthodox Religion professed and settled in Queen *Elizabeths* time, and confirmed by the Authority of the Statutes of this Realme, the defence of the Laws and fundamentall Constitutions of this Kingdom (as the justest Measure and Rule for Our Prerogative, and your Liberties and Rights) and lastly, for the preservation of the peace of this Kingdom.

As for Our own Zeal to the Protestant profession, Wee refer all the World to Our daily exercise of, and Our Declarations concerning it, and execution of the Laws against the Papists; so likewise We cannot but declare our Self most heartily sorry to find such Separatists & Schismatics, who presume, against Law, to foment new Doctrines & Disciplines to the disturbance of the Church & State.

For the Law, it being the common inheritance of Our people, We shall never enforce any prerogative of Ours beyond it, but submit Our Self to it, and give you, and all Our Subjects the fullest latitude of it, both for the liberty of your persons, and the propriety of your Estates. And for an inviolable confidence and assurance hereof, as We take God (the Searcher of all hearts) to witness Our Reall intention herein, so We shall no longer desire you to stand for the defence of Our Person, Honour, and just Prerogatives, then VVee shall mayntain the Laws of the Land, the liberty of your persons, and the propriety of your Goods.

And for the cleere understanding of Our Resolutions to mayntain peace, We may have the confidence and happinesse to refer (against all malignity whatsoever) to Our former sixteene yeeres Reign; (too long to discernable Our Nature) if in all this time VVee never caused the effusion of one drop of bloud, it must needs be thought, that in Our riper judgment in Government, VVe should never open such Issues as might drown Us and Our posterity in them: But We are sure to have no enemies, but in the defence of the true Protestant profession, the Right of the established Laws, and for the preservation of peace: and certainly all these must be all yours, as well as Our Enemies.

And to the end that this present posture wherein We meet, should not affright you, with the distempers of the times, the Example of the two Houses having
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made Vs prepare for a Guard to Vs and Our Childrens persons, VVe wish you to look into the Composition and Constitution of it, and you will find it so far from the face or fear of VVar, that it serves to secure you, as well as Vs, from it: For Our Choice is of the prime Gentry, and of one Regiment of Our Trained Bands, which cannot be thought to oppresse the Country (being their own) nor war with themselves. And VVe further assure you, VVe never intended to use Forreigners or disaffected in Religion: and that you may fully assure your selves of Our sole dependencie upon the love and service of Our own people, to live and die with them, VVee have Armed these Our Subjects; which had been most irrationall, if VVee had ever intended to have used Strangers. And further, you may perceive that VVe receive none, but such as stand cleer in Loyalty and Religion, for which Reason VVe have caused the Oaths of Allegiance and Supremacy to be given them. Likewise, to prevent any distempers at home, VVe have, and shall put the Trained Bands of all this Our Kingdom under the Command of persons of honour, confidence, and affection to their Country; straitly charging upon their Allegiance, no Officer to accept any command in them, nor Souldiers to obey any save such as are authorized by Vs. And for the prevention of any innovated power over you, you shall have Vs here to govern you, and the Souldiory to protect you in peace, and to relieve you against all Oppressions; for that, as VVe have told you before, must arise from some great violation (which VVee hope God will prevent) and not from this preparation of Our Subjects. Therefore let none of you be affrighted with vain fears; if such a War should follow, it follows the Authours home to their own doores: and such by the confidence of Our person with you) VVee assure Our Self you are not.

Here We had left you to your fidelity and duty, had not some malicious insolence in Our former meetings sent forth most presumptuous Summons deceiving Our People, and presuming upon Our Royall Authority; and these present themselves as great Defenders of Religion, Peace, and Liberty; whereas they become infectious, and contagious to the People, seducing them into vaine fancies and delusions, as may appear by their Warrants which VVe could trace to some Pulpits, as Wee are credibly informed: And you see it were just in Us, to punish these as Authours of Sedition, but that it would be too great a favour, for it would honour them with the Title of Martyrdom, for Gods cause, as they vainly pretend. But you may now see from whence this Spirit comes, that would make Us to be in the Act of destruction of Religion, Our Person a disturber of the Peace, and ready to introduce Slavery. These here are all the forreigne Forces Wee have, or ever shall intend to have, to act these great Designs, notwithstanding the vain fears hitherto imagined. So that you see it is
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high time that these fancies were dispersed and driven away, that We might be repaired in Honour and Interest, and you enjoy the blessing of Peace and Happinesse; the advancement whereof shall be Our study and comfort: and therefore We shall (when you shall think it a convenient time) ease you in the number of the Trained Bands: And for your Billet-Money, it had been long since paid, but that no part of the Subsidies (which Wee passed for that purpose) came to Our hands, and VVee shall not be wanting in any thing that lyeth in Us for the full satisfaction thereof: And shall make Our Grace and Bounty to you answerable to your best fidelity and loyalty, as occasion shall be offered to Us.

FINIS.

**A Declaration of the Lords and Commons in Parliament,
Concerning a Printed paper intituled, a Letter sent from
the Kings Majesty to the Lords of the Privy Coun-
cell of the Kingdome of Scotland.**

*As also, Another paper in forme of a Petition directed to the Lords
of his Majesties Privy Councell.*

THe Lords and Commons in Parliament have perused a Printed paper under this Title, a Letter sent from the Kings Majesty, to the Lords of the Privy Councell of the Kingdom of Scotland, bearing in the front the appearance of his Majesties usuall Signature, and in the bottom this Date. *Given at Our Court at York, the twentieth of May, 1642.* As likewise another Paper in the form of a Petition with this inscription, *To the right Honourable, the Lords of His Majesties Privy Councell, the humble Petition of many Noblemen, Gentlemen, Burgeses, and Ministers occasionally meeting at Edenborough:* and having been credibly informed that they are true Copies of a Letter, and a Petition sent and delivered as the severall Titles import, upon mature consideration of the matters therein contained, do declare and protest, that those sufferings expressed in the papers betwixt his Majesty and Parliament cannot justly be imputed to any Actions or Intentions of Ours, who have endeavoured with all fidelity to procure the happinesse of his Majesty, and of this Kingdom, and that we are not guilty of laying upon the King, any such Calumnies and Aspersions as are mentioned in that paper, and seem to reflect upon Us, but on the contrary have laboured to take the blame from His Majesty, and to lay it upon His evill Councell, and as touching the Petition aforesaid, VVe do with
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much contentment and thankfulness; observe the faithfulness and good affection of our Brethren of *Scotland*, in seeking to prevent all Jealousies, and to preserve the Peace between the two Nations, so timely expressed to the Lords of the Councell, whereby the hopes of those who practised to have drawne from their Lordships some Declaration to the prejudice of this Kingdom, were frustrated, and we shall never cease to answer this great care of theirs, with the like earnest and diligent endeavours to promote the Honour, VVealth, and Prosperity of that Nation, and preserve that Union so strongly fortified by publike and mutuall interest and affection on both sides; And wee desire that the Commissioners may give notice to the *Scots* Commissioners, how heartily and joyfully we doe embrace the kindnesse of that Kingdome, manifested in that Petition.

And order this Declaration to be forthwith Printed, that so it may be published to the whole Kingdom of *Scotland*, hoping that this constant and inviolable Amity betwixt Us, will not only conduce to the safety and honour of both Kingdoms, but prove very usefull for the advantage and security of the Protestant Religion in other parts.

FINIS.

Ordered by the Lords and Commons, That this Declaration be forthwith Printed and published.

H. Elsing Cler. Parl. Dom. Com.

Die Sabbathi 4 Iunii, 1642.

IT is this day ordered by the Lords and Commons in Parliament, That the Deputy-Lieutenants of the severall and respective Counties within the Kingdom of *England*, and Dominion of *Wales*, that are not Members of the House of Commons, be hereby required and enjoyned to be present at the dayes, and places which are, or shall hereafter be appointed by the Lord-Lieutenants, or their Deputies, for the Training, Mustering, and Exercising of the Inhabitants of the said Counties, according to the authority given unto them by an Ordinance of both Houses of Parliament. And it is further ordered, That all Deputy-Lieutenants, aswell those that are Members of the House of Commons, as others, shall give such dispatch by preparing of warrants, commissions, or Letters, and subscribing of the same as the service shall require; And that such as shall refuse, or neglect so to do, that their Names be certified unto us by their Fellow Deputies, or any one of them that shall or do perform the said service. And it is

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further declared, That it is the Intention of both Houses, for the better encouragement of so good a work, so much conducing to the safety of His Majesties Person and Kingdomes, That some of their Members at the times and places appointed or to be appointed for the execution of the said Ordinance shall be sent down to give their personall attendance upon the said service.

Ordered to be printed.

H. Elsyng, Cler, Parl. D. Com.

**The Lord Willoughby of Parham, his Letter to an
Honourable Member of the House
of Parliament.**

My Lord,

I Received a Letter from your Lordship, in which the House is pleased to do me a very great Honour, far above any desert of mine, and little expected by mee: for my Lord, I well know my obedience tyes mee to fulfill their Commands, and in that I have done, I have done but my duty, and that which every honest man ought to do, and oweth of right to the Parliament; and who-soever hath that principle in him, it will dictate to him as much, and keep him from other by-ways: And for my own part, my heart ever was, and shall ever be, both forward and ready to obey their Lordships Commands in all things, both with integrity and industry, and Gods curse light upon him and his, that carries any other heart about him. My Lord, it is too mean a way for me to expresse my acknowledgment in paper, to the House for this high favour which I have received by your Lordships Letter. I hope to make it appeare by my actions that their Lordships see, I am not an ungratefull servant. It is a great encouragement to these parts, their Lordships Resolutions, in giving their Commands to have the rest of the *Militia* put in present execution; and truly my Lord, it was out of that regard that I did intimate it to my Lord of *Essex*, as holding it a thing much conducing to the publike good, and the only Remedy to cure these Distractions which the Kingdom is in, not out of any regard to my self; for I know, if I suffer in executing their Lordships commands, it must be against their wils, and when that day comes I will not give a straw for all I have, were I but a looker on. My Lord, as I was this day at *Lincolne*, where I appointed to begin to Muster, there came a Messenger from His Majesty, with this Letter, which I held it my duty to acquaint the House with, and likewise my Answer, and am for *Lincolne*, where, as in all other places, I shall be ready to serve your Lordship,

As your most humble servant,
F. Willoughby.

My

MY Lord, ere my Letter was sealed up, I could not but give your Lordship an account in how good a posture I found the Trained Band of *Lincolne*, which was far beyond my expectation, considering the unhappinesse in the sicknesse, being disperfed in the Towne, which hindred the appearance of some; But truly my Lord that was fully supplied by a Company of Voluntiers, equall in number and goodnesse of Armes to the Trained Bands.

Lincolne 6 June 1642.

His Majesties Letter to the Lord Willoughby of Parham.

Charles Rex,

RIght trusty and welbeloved, VVe greet You well, VVhereas VVee understand, That You have begun to assemble, Train, and Muster the Trained Bands of our County of *Lincolne*, under pretence of an Ordinance of Parliament, whereto We have not given Our Consent; Which is not only contrary to Law, but to Our Command and Pleasure, signified by Our Proclamation sent to the high Sheriff of that Our County: Wherefore, That You may not hereafter plead ignorance of such Our Prohibition; VVe doe by these Our Letters, Command and charge You, upon Your Allegiance, to desist and forbear to Raise, Muster, Train, Exercise, or Assemble together any part of the Trained Bands of Our County, either by Your self, or by any others employed under You, or by Warrant from You. And because You may, for what You have already done, concerning the *Militia* of that Our County, plead, that You had not so particular a Command, We shall passe by what You have already done therein; So as presently upon Your receipt hereof, You shall desist and give over meddling any further with any thing belonging to the *Militia* of that Our County; But if You shall not presently desist, and forbear meddling therewith, We are resolved to call You to a strict Accompt for Your Disobedience therein, after so many particular and legall Commands given You, upon Your Allegiance to the contrary, and shall esteem and proceed against You as a disturber of the peace of Our Kingdom.

Given at Our Court at York, the fourth of June, 1642,

To Our right trusty and welbeloved the Lord Willoughby of Parham.

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*The Lord Villoughby of Parham his Letter in Answer
to His Majesties.*

SIR,

AS there can be nothing of greater unhappinesse to mee; then to receive a Command from your Majesty, whereunto my endeavours cannot give so ready an obedience, as my affections: so I must confesse, the difficulty at this time not a little, how to expresse that duty which I owe to your Majesties late Commands, and not falsifie that Trust reposed in mee by your high Court of Parliament; through whose particular directions I am now come into this County to settle the *Militia*, according to the Ordinance of Parliament, which by the Votes of my Lord *Littleton* and others in the House of Peers, better versed in the Laws then my self, passed as a Legall thing, and hath since been confirmed (if I mistake not) by his example, and your Majesties Chief Justice, Sir *John Banks*, both in accepting their Ordinance, and nominating their Deputy-Lieutenants: how much further they proceeded I know not.

But Sir, if the Opinions of those great Lawyers drew mee into an Act unsuitable to your Majesties liking: I hope the want of yeeres will excuse my want of judgment. And since the Command of the Parliament, I am now so far engaged in their service as the sending out Warrants to summon the County to meet me this day at *Lincolne*, and afterwards in other places; I doe most humbly beseech your Majesty not to impose that command on me, which must needs render mee false to those that relie on me, and so make me more unhappier then any other misery can fall upon me.

These things, Sir, I once more humbly beseech your Majesty may be taken into your gracious consideration, and that you would never be pleased to harbour any misconceit of me, or of this action, since nothing hath yet passed by my Commands here, or ever shall; but what shall tend to the honour and safety of your Majesties Person, to the preservation of the peace of your Kingdom, and to the content (I hope) of all your Majesties Subjects in these parts; amongst which I remain

*Your Majesties most humble, and most dutifull
Subject and Servant,*

F. Willoughby.

The

*The Message of the Lords to the House of Commons, upon the Lord
VVilloughby of Parham, His Letter and Service
in the execution of the Ordinance con-
cerning the Militia.*

THe Lords have thought fit to let you know, how much they value and approve the endeavours of this Lord, in a service so much importing the safety of this Kingdome and they doubt not of your readinesse to con-
curre with them, upon all occasions to manifest the sence they have, and shall retain of his deservings, which appears the greater, by how much the difficul-
ties (by those circumstances you have heard read) have been greater. And as
my Lords resolve to make his interest their own, in this service, for the publike
good and safety of this Kingdom, so they desire you to joyne with them, in so
good and necessary a work.

Resolved by the House of Commons to joyne with the Lords in this Vote,
and do make the like Resolution for the Deputy-Lieutenants for the County
of *Lincolne*, and desire the Lords concurrence therein.

Ordered by the Lords in Parliament, That they agree with the House of
Commons, for the resolution concerning the Deputy-Lieutenants of the Coun-
ty of *Lincolne*.

*The Lord of VVarwick's Letter to his Brother the
Earle of Holland.*

Brother,

IN obedience to the Order of both Houses of Parliament, I this day repai-
red to *Burnswood* (where about one fourth part of the Trained Bands of
Essex, were appointed to meet) for putting of the Ordinance for the *Mili-
tia* of this County in execution. I saw five Companies drawn out, being of
the ordinary Trained Bands (and all that were designed to this place) whose
numbers I found full, and their Armes compleat. For though about threescore
Armes had beene formerly taken out of each Company for the late Service a-
bout *Scotland*, yet a full supply was made by Voluntiers, and one of the said
five Companies (being under the conduct of Sir *William Masham's* son) was
double to the usuall List. A sixth Company was drawne out, which consisted
of neere five hundred able men, who came as Voluntiers under the command
of Sir *Thomas Barington's* younger son. I caused the Declaration of both Hou-
ses made for their indemnity, to be read at the head of each Company. And
required the Captains, Officers, and Souldiers to be obedient to such directions

as should be conveyed to them from me, or my deputy Lieutenants, according to the said ordinance for the service, of his Majesty and the Parliament, in defence of the Kingdome. To which they did unanimously manifest, a resolution, and respect, and a cheerfull readinesse, therein to spend their lives and fortunes. Hereof I thought fit to give your Lordship this brife account praying you to communicate the same to their Lordships, I having desired my deputy Lieutenants to doe the same to the House of Commons. I have this day received a petition from the Captaines and Lieutenants of the severall companies here assembled, in the name of all the persons belonging to the said trained bands, and with their full consent expressed upon the reading of it, by their generall acclamations, and applause, in their severall Companies, whereof I send your Lordship a copy here inclosed, And so desiring from God a blessing upon all your counsells, I rest,

Burntwood the 7. of June, 1642.

Your Lordships affectionate Brother, Warwick.

To the right Honourable Robert Earle of Warwick, lord lieutenant of the county of Essex: and to the Right worshipfull and worthy Gentlemen, the Deputy lieutenants of the same County, confided in by the most Honourable, the High Court of Parliament.

VVE the Captaines and Lieutenants with the full consent of the Trained-Bands and Voluntiers of the said County now assembled, having before the accessse of this present Parliament seen our Religion, our Lawes, our liberties brought to the brinke of ruine and subversion by the results of most desperate and wicked Councils, could not but with exceeding joy behold the assembling and continuance of so great and faithfull a Councell (the representative body of this Kingdome) and with most certaine confidence commit thereto all that was deere unto us.

And having also seen the late hellish designes and actings of a Malignant party of this Kingdome, and the bloody rebellion in Ireland; all working to retard the progresse, or subvert the being of this worthy Parliament, and therein to bereave us of all our hopes of Reformation, or future peace or happinesse to this Church or Kingdome. We cannot but ascribe all glory and praise unto the Lord of Lords, and expresse most hearty thankfulnesse unto his blessed Instruments that great Assembly, for their undanted Resolutions, unparalleled endeavours, and happy proceedings for the common good. And herein (as not the least meanes of our safety) for the most necessary and seasonable Ordinance of theirs touching the ordering of the Militia, whereby we are put under the command and guidance of so Noble a Lord, and such worthy Gentlemen, whereunto

whereunto We humbly desire this present day and meeting may be an Evidence and pledge of our free and willing obedience.

And having entrusted our Religion, our Lawes, and all into the hands of that great and most faithfull Councell the Parliament, whose care and fidelity we have so abundantly found, we even bleed to see the heart and actions of our Royall King (contrary to his owne Royall expressions) declining from the Councels of His Parliament, and carried after other Counsels, whom, as the Lawes and Constitutions of this Land have not knowne, nor reposed upon: so we (for our owne parts) neither will nor dare intrust with our Religion or Lawes. And whom we verily beleeve, could they prevaile against that highest Court (under God our chiefest Bulwarke and defence) would soone deprive us both of Religion and Law, and (notwithstanding all their specious pretences) reduce us to a condition no lesse miserable then slavish.

From the deepe apprehensions of all which we doe freely and heartily promise and tender our persons and estates to assist and defend (to the uttermost) the high Court of Parliament now assembled, the members, power, and priviledges thereof, and therein His Majesties person and authority, and the Kingdome peace, (according to our late Protestation) against all contrary counsels, power, and force of Armes whatsoever, which shall be reard up, or attempted against them.

And this our humble Acknowledgment and resolution (which we doubt not will be accorded unto by all good Subjects) we humbly desire your Honour and Worships to tender on our behalfe unto that most Honourable Assembly of Parliament.

For whose happy progresse and successe we shal daily pray.

Kitley, Henry Farr, John Ballet, John Fleming, W. Marsham, Robert Barington, Captaines. Tho. Harper, Jo. Woodcocke, Rich. Lawrence, Geo. Colwell, Tho. Clarke, William Burls, Lieutenants.

The Approbation of both Houses concerning the same.

THe Lords and Commons in Parliament assembled, being advertised by the Lord Lieutenant and Deputie Lieutenants of the County of *Essex*, of their ready, full, and forward meeting of the Trayned Bands of that County; and of a cheerefull accessse, of a very considerable number of Volunteers, at their first appearing; Have thought fit, to expresse unto them, the good sence they hold of their proceedings, so much conducing to the Generall safety of this Kingdome; and having likewise received from them a Declaration full of affections, and good inclinations, to maintaine our Religion, Lawes, Liberties, and Priviledges of Parliament; Which they observe to be invaded by pernicious Councell, as indeed they have beene of late, in a more dangerous,

rous, and high manner then any age can parallell : And having very prudently observed, in a right understanding, That the Kingdome, and the Kings authority and Person, can be no wayes maintained, but by the upholding the power and priviledges of Parliament: as by the late Protestation they acknowledged themselves bound unto, against all contrary Councells, Power, and force of Armes whatsoever. This just and faithfull resolution of theirs, to the publique good, The Lords and Commons doe not onely approve, but commend, assuring them, that as their endeavors have been for the peace and happinesse of the King and Kingdome; So they will persist, in discharge of the great and publique trust, which lies upon them; to goe through all difficulties which may oppose the publique peace and welfare of this Kingdome; And will upon all occasions, bee ready to expresse particularly, to those persons, that respect which is due to persons from whom they have received such assurance of their affections and fidelities.

FINIS.

Die Jovis, 9. Junii, 1642.

Ordered by the Lords in Parliament, That these severall Letters, and Resolutions shall be forthwith Printed and Published.

Ioh. Brown, Cler. Parliament.

Die Lune, 6. Junii, 1642.

Resolved upon the Question.

1 **T**O provide for every County such a competent number of the public-like Orders and Declarations of this House, well Printed, with a fair Letter, and good paper, as that every constable, headborough, or tithingman may have one of each sort.

2 To scale up in one Bundle, so many of each sort, as there be constables, headboroughs, or tithingmen in every hundred, and that a proportionable number of them for every county shall be delivered unto the Sheriff, or under-Sheriff of that County, or to their Deputy, who is to give a Receipt under his hand, of so many Bundles of each sort, as shall be delivered unto him, who is thereupon forthwith to send one of the said Bundles of each sort, unto every high Constable in his County, who is to give the like Receipt for such Bundle so received by him.

3 That all the said severall Receipts so subscribed by the said Sheriffs, under-Sheriffs, Deputies, and high Constables respectively, shall be sent up with all convenient speed, and delivered unto the Committee appointed for this

this businesse, who are to receive them, and to send for all such Persons as shall be negligent in this service.

4 That every high Constable, upon Receipt of every of the said Bundles shall with all convenient speed send unto every petty Constable, Headborough, or Tythingman in his division, one of each sort of the said Orders and Declarations, who is required within seven dayes next after the Receipt thereof, to cause the same to be publikely read in the presence of the rest of the Inhabitants of that Town or Parish wherein he dwelleth.

5 That if the Sheriff, under-Sheriff, or deputy-Sheriff of any County be in or about London, Then all the severall Bundles to be delivered to him by the Sergeants man ; if not, then the Knights, Citizens, and Burgeses that serve for each County, are to send them down to the Sheriffs, under-Sheriffs or high Constables to be disposed of as aforesaid.

H. Elyng, Cler : Parl : D : Com.

Propositions and orders by the Lords and Commons in Parliament.

For bringing in of Mony or Plate, to maintaine Horse, Horse-men and Armes for the preservation of the Publike Peace, and for the Defence of the King and both Houses of Parliament.

VV Hereas it appeares that the King (seduced by wicked Counsell) intends to make warre against his Parliament, and in pursuance thereof, under pretence of a guard for his Person, hath actually begun to levie forces both of Horse and Foote, and sent out summons throughout the County of York for the calling together of greater numbers and some ill affected persons have bin employed in other parts to raise Troopes under the colour of his Majesties service, making large offers of reward and preferment to such as will come in ; And that his Majesty doth with a high and forcible hand, protect and keepe away Delinquents, not permitting them to make their appearance to answer such affronts and injuries as have bin by them offered unto the Parliament, and those Messengers which have been sent from the Houses for them, have been abused, beaten and imprisoned, so as the Orders of Parliament, which is the highest Court of Justice in this Realme, are not obeyed, and the authority of it is altogether scorned and vilified, and such Persons as stand well affected to it, and declare themselves sensible of these publike calamities, and of the violations of the Priviledges of Parliament and common liberty of the Subject, are baffled and injured by severall sorts of malignant men

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who

who are about the King, some whereof, under the name of Cavaliers, without having respect to the Lawes of the Land, or any fears either of God or man, are ready to commit all manner of outrage and violence, which must needs tend to the dissolution of this Government, the destroying of our Religion, Lawes, liberty and propriety; all which will be exposed to the malice and violence of such desperate persons as must be employed in so horrid and unnatural an act as the overthrowing of a Parliament by force, which is the support and preservation of them; All which being duly considered by the Lords and Commons, and how great an obligation lyes upon them, in Honour, Conscience and Duty, according to the high trust reposed in them, to use all possible meanes in such cases for the timely prevention of so great and irrecoverable evils, they have thought fit to publish their sense and apprehension of this imminent danger, thereby to excite all well affected persons to contribute their best assistance, according to their solempne Vow and Protestation, to the preparations necessary for the opposing and suppressing of the trayterous attempts of these wicked and Malignant Councillors, who seeke to engage the King in so dangerous, and destructive an enterprise, and the whole Kingdome in a civill War, and destroy the Priviledges and being of Parliaments: This recourse to the good affections of those that tender their Religion, and just Libertyes, and the enjoyment of the blessed fruits of this present Parliament, which were almost ready to be reaped, and are now as ready to be ruined by those wicked hands, being the only remedy left them under God, and without which they are no longer able to preserve themselves or those by whom they are intrusted.

1 They the said Lords and Commons doe declare, that whosoever shall bring in any proportion of ready Mony or Plate, or shall under-write to furnish and maintain any number of Horse, Horse-men and Arms, for the preservation of the publike peace, and for the defence of the King and both Houses of Parliament from force and violence, and to uphold the Power and Priviledges of Parliament according to his Protestation, it shall be held a good and acceptable Service to the Common-wealth and a Testimony of his good Affection to the Protestant Religion, the Lawes, Libertyes and peace of this Kingdome, and to the Parliament and Priviledges thereof.

And because a considerable ayde cannot be raised by few Hands, and the condition of all mens Estates and occasions is not alwayes proportionable to their Affection, The Lords and Commons doe declare, that no mans Affection shall be measured according to the proportion of his offer, so that he expresse his good will to this Service in any proportion whatsoever.

2 And it is further declared by the Lords and Commons in Parliament, that whosoever shall bring in any Mony or Plate, or shall furnish and main-
taine

tain any Horse, Horse-men and Armes for the purposes aforesaid, shall have their Money repayed with the Interest according to 8. pound *per cent.* and the full value of their Plate with Consideration for the fashion, not exceeding one shilling by the ounce, and shall have full Recompence for all their charge, in finding, furnishing and maintaining of Horse, Horse-men and Arms, and for this both Houses of Parliament doe engage the publike faith.

3 And it is ordained that Sir *John Wolleston* Knight and Alderman, Alderman *Towes*, Alderman *Warner* and Alderman *Andrewes* shall be Treasurers to receive all such Money and Plate as shall be brought in for the purposes aforesaid, and that the acquittances of them or any two of them for the receipt of the same shall be a sufficient ground for the party so lending Money or Plate to demand the same againe with the Interest and likewise consideration for the fashion of the Plate.

4 It is Ordered that *shall be* Commissaries to value the Horse and Armes, that shall be furnished for this Service, and that a signification under the hands of them or any two of them, of such values of the Horse and Arms, and of the time when they were first brought in, shall be a Warrant to demand satisfaction according to the said values, and they shall keepe an account of the time from the first inrolment of any such Horse and Horse-men, that such as find and maintaine them may be repayed according to the rate of 2. sh. 6. *per diem*, for so long time as they have maintained them in this Service, and the Commissaries are to attend at Guild-Hall for the receiving and enrolling of such numbers of Horse as shall be brought in.

5 It is ordered that whosoever shall bring in Money or Plate, or shall provide, and maintaine, Horse, Horse-men and Armes for this Service shall doe according to their duty therein. And the Lords and Commons doe engage the Power and Authority of Parliament, to save them harmlesse from all prejudice and inconvenience that may befall them by occasion thereof.

6 It is ordered that the Members of either House, who are present shall be desired to declare in their Houses respectively what Money or Plate they will bring in or what Horse, Horse-men and Armes they will find and maintaine.

It is desired that all such as have their residence in or about *London* or within 80. miles will bring in their Money, Plate or Horse, within a fortnight after notice, and they that dwell further off within three weeks.

And because every person may not be provided with present Money or with Horse, or not have his Plate with him which he meanes to bring in, and yet resolves to contribute his part within the time limited, and that it is necessary it should be presently known what the provision will be for the effecting of this great and important service. It is ordered that the Committees of either House appointed for that purpose respectively, shall receive the subscriptions

of such Members of each House, as have not declared themselves in the Houses or are absent upon the publike service, or for their private occasions. 2 That the Committee of *London*, intrusted with the *Militia* shall receive the Subscriptions in *London* and *Middlesex*. 3 That some persons nominated by the Knights and Burgeses of each County, and approved by both Houses shall be appointed to receive the Subscriptions in the severall Counties.

And lastly it is declared, that whatsoever is brought in, shall not at all be employed upon any other occasion then to the purposes aforesaid, which are to mayntain the Protestant Religion, the Kings Authority, and his Person in his Royall Dignity, the free course of Justice, the Laws of the Land, the peace of the Kingdome, and the Priviledges of Parliament, against any force which shall oppose them: And this by the direction of both Houses of Parliament.

FINIS.

Die Veneris, 10. Junii, 1642.

Ordere*d by the Lords and Commons in Parliament, that these Propositions shall be forthwith printed and published.*

John Brown Cleric. Parl.

Die Sabbathi 11, Junii, 1642.

IT is this day ordered by the Lords in Parliament assembled, That a strict Search and Examination shall be made by the Justices of Peace, Majors, Bayliffs, Constables, and other His Majesties Officers, inhabiting, or neere adjoining to all the Northern Roads, for the stopping and staying of all Armes, Ammunition, Powder, Light-horses, or Horses for Service in the Wars, and great Saddles, that are, or shall be carried towards the North parts of *England*, but by the privy and direction of one, or both of the Houses of Parliament; And that the said Officers shall stay them accordingly, and speedily give Information thereof unto one of the Houses of Parliament.

Die Mercurii, 15. Junii, 1642.

Ordere*d by the Lords in Parliament, That this Order shall be printed and published.*

John Brown, Cleric. Parl.

FINIS.

Two

Amsterdam, June 11, 1642.

Two Letters sent from Amsterdam, and read in both Houses of Parliament, the 11 of this present June 1642.

With a List containing the particular number of the said Ammunition.

I Cannot learne that any Jewels more are pawned then I have formerly expressed, neither of the sale of any Jewels, save divers Collers of Pearls, part of the proceed is remitted for London, a large Sum having been offered mee by the party above-mentioned, and I take, the rest will be employed in warlike Munition, expressed in the inclosed note which I have drawn out of the Originall Commission. which hand was well known to mee, all must be speedily furnished, and if for the presumed Service, it's not like the distempers here will be appeased without shedding blood, which God avert. I doe purpose to lay wait in what Ships the said Munition will be laden, which shall be advised. If you do think fit to give any notice hereof to the Parliament,

I pray you let my name be concealed (*Pour eviter le tiltre despoñ*) although I do with zeal and ardour affect the good cause, yet would I not willingly be seen in this manner, in writing hereof I understand by an eye witnesse, that all the Jewels are brought here again to be pawned, and amongst them the great Coller of Rubies fetcht from *Hamburgh*. Also the three brethren, foure or five very great Diamonds, with divers more, but no money to be had thereupon in this place, as the party employed therein doth tell me; so it's like, some will be staked untill the Munition for War shall be satisfied, whereof I have heard an inkling. I did see *M. Webster* measuring or looking upon a Mortar to shoot fire-balls, of the wideness or breadth of the inclosed thred, weighing 4800 pound. I hope *England* will have no need of such *Tormenta bellica*, which I believe have not been used there in any age. Master *J. W.* doth hasten exceedingly with all these things. The Pistols I understand are provided.

From *Amsterdam*, June 12 New style, June 2 Old style.

To *John Beauchamp* Merchant of London.

For the Cloth Trade at present I would advise you to write to him wholly not to buy in a piece at present, although he pretends losing his workmen or the like: for losing his workmen, I doubt at this time money is not so rife in that Country, and men so forward to buy, that I think little feare, but that if he Turns off or leave buying, his workmen will be glad to come again at more

settled times; And it may be, sell better cheap. Therefore above all excuses, as the state stands, write him absolutely not to take off any untill further advise, for if things go badly there, and come to pillaging or destruction, you should have all the cloth he had in the house, to be reckoned to be your cloth.

I feare a storm to arise in the North, and I see it daily grow blacker and darker for store of moneys is made over to be sent thither, witnesse the rising of the Exchange here so suddenly; And at present here is order to buy store of Pistols for Horsemen and Powder, and neer upon twenty brasse Peeces to be sent for the North parts, but the Order is not from the Parliament.

A List of the Ammunition as followeth.

FOUR Peeces of battery of eighteen pound bullet. One Peece carrying 12 pound bullet. One Peece carrying eight pound bullet. Two Culverins carrying eight pound bullet. Six Field-peeces carrying six pound bullet. Two Mortar Peeces. For Granadoes sixteen. An 100 barrels of powder. Two thousand pair of Pistols ready provided. A thousand Carabines. Three thousand Saddles. Bullets. Ladles. Spunges. Carriage. Harness for Draught-horses. The Mortar-peeces are a foot and a halfe in Diameter at the mouth, metall and all. Shooting Granadoes 11 or 12 inches.

Die Luna 13, Junii, 1642.

Ordered by the Lords in Parliament, That these Letters and List of Ammunition be forthwith printed and published.

John Brown Cler. Parl.

The Copy of the Kings Letter sent with the Commission of Array to Leicestershire.

CHARLES R.

Right trusty and right well beloved Cousins, and right trusty and well beloved, Wee greet you well: Whereas it hath beene declared by the Votes of both Houses of Parliament, the fifteenth of *March* last, that the Kingdome hath of late, and still is, in so evident and imminent danger, both from enemies abroad, and a Popish discontented party at home; That there is an urgent & inevitable necessity of putting our Subjects into a Posture of defence, for the safeguard both of our Person and People: and that since divers Inhabitantes of divers Countiees have addressed their Petitions to that purpose; And whereas a small number of both Houses (after it had beene re-

jected

jected by the Lords in a full House, and without our Royall assent, or the opinion of the Judges concerning the legality hereof,) have attempted by way of Ordinance to put in execution the power of the *Militia* of the Kingdome, and to dispossesse many of our ancient Nobility of the command and trust reposed in them by Us, and have nominated divers others, who have no interest in, nor live neere to some of the Counties to which they are nominated for the Lieutenancy, whereby they cannot be properly serviceable to the Counties wherewith they are intrusted, nor Our People receive that content and security which We desire they should: To submit to the execution of which power by the way of Ordinance, without it were reduced into a Law by Act of Parliament, established by Our Royall Assent, were to introduce and expose Our Subjects to a meere Arbitrary Government; which by Gods grace Wee shall never permit.

We therefore considering, that by the Laws of the Realm it belongeth solely to Us, to Order and Govern the *Militia* of the Kingdome; have thereupon by Our Proclamation of the 27 of *May* last, prohibited all manner of persons whatsoever upon their Allegiance, to Muster, Levy, or Summon, upon any Warrant, Order, or Ordinance from one or both Houses of Parliament, whereunto We have not, or shall not give Our expresse consent, any of the Trained Bands, or other Officers, without expresse Warrant under Our hands, or Warrant from Our Sheriff of the County, grounded upon a particular Writ to that purpose under Our great Seal. And considering that in ancient time the *Militia* of the Kingdome was ever disposed of by Commissions of Array, and that by a particular Statute upon Record in the Tower, made in the fifth yeere of *Henry* the Fourth, by full consent of the Prelats, Earls, Barons, and Commons, and at their suit, and by the advice and opinion of the Judges then livd, such Commissions were mitigated in respect of some clauses perillous to the Commissioners, and approved of for the time to come: And that by the subsequent Records it appeareth, that all Our Royall Predecessours have continually exercised that power by such Commissions, till of late time they have been discontinued by the Grants of particular Commissions of Lieutenancy; little differing in substance from the said Commissions of Array, against which it seems the Houses have taken some exception. And though wee are no way satisfied of the illegality of them, Our Councell being never heard in the defence thereof, yet being willing to avoid all exceptions at present, We have thought fit to refer it, to that ancient legall way of disposing the power of the *Militia* by such Commissions of Array, for defence of Vs, Our Kingdom, and Our Countrey: Authorizing you, or any three or more of you, to Array and Train Our People, and to apportion and assesse such persons as have estates, and are not able to beare Armes, to find Armes for other men, in a reasonable and moderate

rate proportion; and to conduct them so Arraid, as well to the Coasts as other places for the opposition and destruction of Our Enemies in case of danger, as to your discretions, or any three or more of you shall seem meet, Whereof you *Henry Earle of Huntington*, and in your abience *William Earle of Devon*, or *Henry Hastings Esquire* to be one; And being both confident in a great measure of the Loyall affections of Our people, and very tender to bring any unnecessary burthen or charge on them, by augmenting the number of the Trained Bands; We do for the present only require that you forthwith cause to be mustered and Trained all the ancient Trained Bands and freehold Bands of the County, carefully seeing, that they be supplied with able and sufficient persons, and compleatly armed; unlesse you find that there be just cause, and that it shall be with the good liking of the Inhabitants for their owne better security to make any encrease of their numbers; And over such Bands to appoint and set such Colonels, Captaines, and Officers, as you shall think most fit for the discharge of that service, being such persons as have considerable interest in the County, and not Strangers. And in case of any opposition, you are to raise the power of the County to suppress it, and to commit all such persons as shall be found rebellious herein, into the custody of Our Sheriff; whose care and assistance Wee especially require. And that he shall from time to time issue forth such Warrants for the assembling of Our people, at such times and places as by you shall be agreed on, according to the trust reposed in him by Our said Commission. And Wee have authorized you our Commissioners, or any three of you, after such Array made, from time to time, to Train and take Musters of Our said Bands; and to provide Beacons, and other necessities for the better exercising of Our people, and discovery of sudden invasions and commotions; Of all which your proceedings herein, Wee expect a speedy and plenary accompt, according to the trust reposed in you, and authority given you by Our Commission on that behalf.

*Given at our Court at York, the twelfth day of June, in the 18 yeere of Our
Reigne, 1642.*

Carolus Dei gratia Anglia, Scotia, Francia, & Hibernia Rex, fidei Defensor, &c. Charissimis consanguineis nostris *Hen. Com. Huntington & Wilhelmo Com. Devon.* nec non dilectis & fidelibus nostris *Hen. Hastings, Armigero, filio dicti Com. Huntington, Hen. Berkley, Georgio Villiers, Thoma Burton, Barronett. Hen. Skipwith, Joanni Skeffington & Richardo Halford Militibus & Baronettis, Wolstan. Dixey, Richardo Roberts, Joann. Bale, Thoma Hartop, Erasmo de la Fountain, & Willmo. Jones Militibus, Hen. Hastings de Humberston, Georgio Ashby & Joanni Pass, Armigeris ac Vic. nostro Com. nostr. Leicestr.*
pro

pro tempore existente salutem. Sciatis quod nos malitia inimicorum nostrorum
 si Regnum nostrum *Anglia* invadere presumpserint (quod absit) gratia nobis
 favente divina resistere ac pro salvatione & defensione nostri ac Regni prædicti
 & legiorum nostrorum ejusdem disponere & ordinare volentes ut tenemur. Assigna-
 vimus vos vel aliquos tres vel plures vest. ad arraiand. & triand. oim. & singulos
 homines ad arma ac homines armatos & sagittarios in Com. præd. commorantes,
 infra libertates & extra, ad armari faciend. omnes illos qui de corpore sunt
 potentes & habiles ad armand. qui de suo proprio habent unde seipso armare
 possunt, viz. quilibet eorum juxta statum & facultates suas & ad assidend. &
 apportionand. juxta advisamentum & discretiones vestras aut aliquorum trium
 vel plurium vestrum ac etiam ad distringend. omnes illos qui in terris & bonis
 sunt potentes & pro debilitate corporum ad laborand. impotentes ad inveniend.
 juxta quantitatem terrarum & bonorum suorum & prout rationabiliter portare
 poterun (salvo statu suo) armatur. Hominibus ad arma & hominibus arma-
 tis ac arcus & sagittas ita quod illi qui morabuntur seu morari poterunt ad do-
 mum suam propriam in patria sua super defensione ejusdem Regni contra ini-
 micos nostros si periculum eveniat non capiant vadia nec expensas pro mora sua
 apud domos suas prædict. Et ad dictos homines ad arma ac homines armatos
 & sagittarios sic arraiatos & munitos continue in arraiatione ut in millenis, cen-
 tenis & vicens & alias prout conveniens fuerit & necesse teneri & poni faciend.
 Assignavimus autem vos aut aliquos tres vel plures vestrum quorum te præfa-
 tum *Hen. Comitem Huntingdon*, & in absentia tua te præfat. *Willielmum Com.
 Devon.* vel te præfat. *Hen. Hastings* filium prædicti Comitis *Huntingdon* unum
 esse volumus ad dictos homines ad arma ac homines armatos & sagittarios sic
 araiat. & munit. tam ad Costeram maris quam alia loca ubi ac quoties necesse
 fuerit ad dictos inimicos nostros expellend. debelland. destruend. de tempore in
 tempus cum aliquod periculum immineat mandand. & injungend. Assigna-
 vimus etiam vos aut aliquos tres vel plures vestrum ad monstrum sive
 monstrationem eorundem hominum ad arma ac hominum armatorum &
 sagittariorum de tempore in tempus quoties indiguerit diligenter faciendum
 & supervidendum. Ac etiam ad proclamand. ordinand. & diligenter exami-
 nand. quod omnes & singuli hujusmodi homines ad arma ac homines armati
 & sagittarii in monstris hujusmodi armatur. suis propriis & non alienis arment.
 sub pena amissionis eorundem exceptis duntaxat illis qui ad expens. aliorum ar-
 mari debent ut prædict. est & ad omnes & singulos quos in hac parte inveneri-
 tis contrarios seu rebelles arestand. & capiend. & eos in prisonis nostris com-
 mittend. in eisdem moraturis quousque secundum legem inde deliberati fuerint
 & ideo vobis districtius quo possumus super fide & Ligeantia quibus nobis te-
 nemini injungemus & mandamus quod statim visis præsentibus vos ipsos me-
 lius & securius quo poteritis arraiati & parari & coram vobis ad certos dies &

loca quos videritis magis competentes & expedientes & pro populo nostro minus damnosos omnes homines in patria commorantes per quos arraitio & munitio melius fieri & compleri poterunt venire & vocari fac. & eos arraiari, armari & munire & eos sic arraiatos & munitos in arraiatione huiusmodi teneri faciatis & insuper signa vocat. Beakins poni faciatis in locis consuetis per quos gentes patriæ de adventu inimicorum nostrorum poterunt congruis temporibus præmuniri. Et eosdem homines sic arraiatos & munitos cum periculum immineret in defensionem Regni ac patriæ præd. de tempore in tempus tam ad Costeram Maris quam alia loca ubi magis necesse fuerit duci faciat. vel aliqui tres aut plures vestrum quorum te præfat. *Hen. Com. Huntington*, & in absentia tua te præfat. *Willum. Com. Devon.* vel te præfat. *Hen. Hastings* filium præd. *Com. Huntington* unum esse volumus ducifaciant ut prædictum est ita quod pro defectu defensionis, arraiationis sive ductionis dictorum hominum vel per negligentiam vestram damna patriæ prædict. per inimicos nostros modo non eveniant illo modo pro posse vestro. Damus autem universis & singulis Comitibus, Baronibus, militibus, Majoribus, Ballivis, Constabulariis, Ministris & aliis fidelibus & ligeis nostris *Com. præd.* (tam infra libertates, quam extra) tenore præsentium firmiter in mandat. quod vobis & cuilibet vestrum in omnibus & singulis præmissis faciend. & explend. intendentes sint, consulantes & auxiliantes. Et tibi præfat. *vic.* quod ad certos dies & loca quos ad hoc vos vel aliqui tres vel plures vestrum ut prædictum est ordinaveritis venire faciatis coram vobis vel huiusmodi tribus vel plur. vestrum (ut prædictum est) omnes illos in *Com. præd.* per quos arraitio, assessio & ordinatio melius poterit fieri & compleri & illos quos pro rebellione sua capi & arrestari contigerit in prisona nostra custodi. sicut prædictum est, In cuius rei testimonium has præsentis litteras nostras fieri fecimus Patentes, Teste meipso undecimo die Junii Anno regni nostri decimo octavo.

Per ipsum Regem.

Willm.

Die Sabbathi 18. Junii. 1642.

Resolved upon the Question by the Lords and Commons assembled in Parliament.

That this Commission of Array for Leycester is against Law, and against the liberty and property of the Subject.

Die Lune 20. Junii.

Resolved upon the Question,

That all those that are Actors, in the putting of the Commission of Array in execution, Shall be esteemed as Disturbers of the Peace of the Kingdome and Betrayers of the Liberty of the Subject.

Ordered that this Commission of Array, and the aforesaid Votes shall be forthwith printed and published through the Kingdome.

Jo. Browne, Cleric. Parliamentorum.

His

His Majesties Declaration, made the 13 of June 1642, to the
 Lords attending His Majestie at *Yorke*, and to others of
 His Majesties Privy Councell there : Together
 with their promise thereupon subscri-
 bed by them.

CHARLES R.

W E do declare, That Wee will not require, nor exact any Obedience from you, but what shall be warranted by the knowne Law of the Land; as Wee doe expect, That you shall not yield to any Commands, not legally grounded, or imposed by any other.

And Wee doe further declare, That We will Defend every one of you, and all such as shall refuse any such Commands, whether they proceed from Votes and Orders of both Houses or any other way, from all dangers and hazards whatsoever.

And Wee do further Declare, That We will defend the true Protestant Religion established by the Law of the Land, the lawfull Liberties of the Subjects of *England*, and just Priviledges of all the three Estates of Parliament: and shall require no further Obedience from you, then as accordingly Wee shall performe the same.

And Wee doe Declare, That We will not (as is falsly pretended) engage you, or any of you, in any War against the Parliament, except it be for Our necessary defence and safety against such as doe insolently invade, or attempt against Us, or such as shall adhere to Us.

Yorke 13, Junii 1642.

The Promise of the said Lords and others.

W E do engage our selves, Not to obey any Orders or Commands whatsoever, not warranted by the known Laws of the Land.

Wee doe engage our selves to defend Your Majesties Person, Crowne and Dignity, together with Your Majesties just and Legall Prerogative against all persons and power whatsoever,

We will defend the true Protestant Religion, established by the Law of the Land, The lawfull Liberties of the Subject of *England*, and just Priviledges of Your Majesty, and both Your Houses of Parliament.

Y, y a

And

And lastly, we engage our selves, not to obey any Rule, Order, or Ordinance whatsoever concerning any *Militia*, that hath not the Royall Assent.

York, 13, *Junii*, 1642.

Subscribed by

Lord Keeper, Lord Duke of *Richmond*, Lord Marquess *Hertford*, Earle of *Lindsey*, E. of *Cumberland*, E. of *Huntingdon*, E. of *Barb*, E. of *Southampton*, E. of *Dorset*, E. of *Salisbury*, E. of *Northampton*, E. of *Devonshire*, E. of *Cambridge*, E. of *Bristol*, E. of *Westmerland*, E. of *Burke*shire, E. of *Monmouth*, E. of *Rivers*, E. of *Newcastle*, E. of *Dover*, E. of *Carnarvan*, E. of *Newport*, L. *Mowbray*, and *Matrauers*, L. *Willoughby* of *Eresby*, L. *Rich*, L. *Ch. Howard* of *Charleton*, L. *Newark*, L. *Paget*, L. *Chandos*, L. *Faulconbridge*, L. *Paulet*, L. *Lovell*, L. *Savile*, L. *Coventry*, L. *Mohun*, L. *Dunsmore*, L. *Seymour*, L. *Grey* of *Ruthin*, L. *Capell*, L. *Falkland*, M. *Comptroller*, M. *Secret. Nicholas*, M. *Chancellour* of the *Exchequer*, Lord Chief Justice *Banks*.

CHARLES R.

To Our trusty and welbeloved, the Lord Major,
Aldermen, and Sheriffs of Our Citie of
L O N D O N.

TRusty and Welbeloved, We greet you well. Whereas We have received severall Informations of great Sums of Money endeavoured to be borrowed of Our City of *London*, by some direction proceeding from both Our Houses of Parliament, and likewise that great labour is used to perswade Our Subjects to raise Horse, and to furnish Money, upon pretence of providing a Guard for Our Parliament; These are to let you know, that (notwithstanding any scandalous Votes which have presumed to Declare Our intention of leaving War against Our Parliament, and to lay other aspersions on Us, so fully disavowed by Us in the presence of Almighty God, by Our severall Answers and Declarations) all Our desires and purposes are for the publike Peace, and that Wee have not the least thought of raising or using Force, except Wee are compelled to it, for the defence of Our Person, and in Protection of the Law: And therefore Wee expect, that you suffer not your selves to be misled by such vain and improbable suggestions, and do declare, That if you shall lend any Sums of Money towards the Relief of *Ireland* (to which We have contributed all the assistance could be desired of Us, which way so ever the Money given & raised to that purpose is disposed) or towards the payment of Our Scots Subjects,

We

We shall take it as an acceptable Service at your hands ; but if upon generall Pretences contrived by a few factious persons against the peace of the Kingdom, you shall give or lend any money, or provide or raise any horses or arms, towards the raising such a Guard; Wee shall look upon it as the raising Force against Us, and to be done in malice and contempt of Us and Our Authority. And Wee doe therefore straitly charge and command you to publish this Our Letter to the severall Masters and Wardens of the severall Companies, that they may be assured, that such money as they shall lend out of their good affection to the Kingdome, may be onely employed for *Ireland* or *Scotland*, and not toward such Guards, which (in truth) are intended by the Contrivers of that Designe (though We believe many honest men seduced by them doe not yet see their end) to be employed against Us: And if you and they shal herein fail punctually and severally to observe Our Commands, We shall not onely proceed against the severall Companies for deceiving the trust reposed in them; but against the particular persons, as Contemners and Opposers of Our Authority, and of the Law of the Land, in the most exemplary way, the knowne Law of the Land shall prescribe to Us; And shall be compelled to question the Charter of your City, which We are willing yet to believe (notwithstanding the barbarous and insolent demeanour of the meaner and baser sort) in a good degree to continue loyall to Us. And of your obedience to these Our Commands We do expect and require a full Account, and of the names of such Persons who shall oppose the same. Hereof fail you not as you will answer the contray at your perill.

Given at Our Court at Yorke the 14 day of June, in the 18 yeere of Our Reigne, 1642.

His Majesties Declaration to all His loving subjects, occasioned by a false and scandalous Imputation laid upon His Majesty, of an intention of raising or levying War against His Parliament, and of having raised Force to that end.

Published at His Courts at York, the 16 day of June, 1642.

Though Wee have these last seven months met with so many severall encounters of strange and usuall Declarations under the names of both Our Houses of Parliament, that We should not be amazed at any new prodigy of that kinde; And though their last of the 26 of *May* gave Us a fair

warning that the Contrivers of it, having spent all their stock of bitter and reproachfull language upon Us; Wee were to expect they should now break out into some bold & disloyall Actions against Us; And having by that Declaration (as far as in them lies) devided Us of that preheminance and authority, which God, the Law, the Custome, and Consent of this Nation had placed in Us, and assumed it to themselves, that they should likewise with expedition put forth the fruits of that Supreme Power, for the violating and suppressing that power they despised (an effect of which Resolution their wild Declaration against Our Proclamation concerning the pretended Ordinance for the *Militia*, and the punishing of the Proclaimers, appears to be) yet Wee must confesse, in their last attempt (Wee speak of the last We know, they may probably since, or at this present, have out-done that too) they have out-done what Wee conceive was their present intention; And whosoever heares of Propositions, and Orders for bringing in of Money, or Plate, to maintaine Horse, Horfmen, and Arms, for the preservation of the publike Peace, or for the defence of the King, and both Houses of Parliament (such is their Declaration, or what else they please to call it, of the 10 of *June*.) will surely believe the peace of this Kingdom to be extreamly shaken, and (at least) the King himselfe to be consulted with, and privy to these Propositions: But we hope, that when Our good Subjects shall finde, that this goodly pretence of *The defence of the King*, is but a specious bait to seduce weak and inconsiderate men, into the highest Acts of disobedience, and disloyalty against Us, and of violence and destruction upon the Laws and Constitutions of the Kingdom, they will no longer be captivated by an implicit Reverence to the name of both *Houses of Parliament*, but will carefully examine, and consider what number of persons are present, and what persons are prevalent in those consultations, and how the debates are probably managed, from whence such horrid and monstrous Conclusions doe Result, and will (at least) weigh the Reputation, Wisdom, and Affection of those who are notoriously knowne, out of the very horror of their proceedings to have withdrawne themselves, or by their skill and violence to be driven from them and their Counsels.

Whilst their Feares and Jealousies did arise, or were infused into the People from discourfes of the Rebels in *Ireland*, of Skippers at *Rotterdam*, of Forces from *Denmark*, *France*, or *Spain*; (how improbable and ridiculous soever that bundle of Information appeared to all wise and knowing men) it is no wonder, if the easinesse to deceive, and the willingnesse to be deceived, did prevail over many of Our weak Subjects, to believe that the dangers, which they did not see, might proceed from Causes which they did not understand: But for them to declare to all the World, that Wee intend to make War against Our Parliament (whilst We sit still complaining to God Almighty of the injury offered

to Us, and to the very being of Parliaments) and that We have already begun actually to leavy Forces both of Horſe & Foot (whilſt We have onely in a legal way provided a ſmaller Guard for the ſecurity of Our owne Perſon, ſo neere a Rebellion at *Hull*, then they have had, without lawfull Authority, above theſe eighth moneths, upon imaginary and impoſſible dangers) to impoſe upon Our Peoples ſenſe, as well as their underſtanding, by telling them, Wee are doing that which they ſee Wee are not doing, and intending that they all know (as much as intentions can be known) We are not intending, is a boldneſſe agreeable to no power, but the Omnipotency of thoſe Votes, whoſe abſolute Supremacy hath almoſt brought confuſion upon King and People, and againſt which, no knowledge in matter of Fact, or Conſent and Authority in matter of Law, they will endure ſhall be oppoſed.

Wee have upon all occaſions with all poſſible expreſſions profeſſed Our Faſt and unſhaken Reſolutions for Peace; And Wee do again (in the preſence of Almighty God Our Maker and Redeemer) aſſure the VVorld, that VVe have no more thought of making a War againſt Our Parliament, then againſt Our own Children; that VVee will mayntain and obſerve the Acts aſſented to by Us this Parliament without Violation, of which, that for the frequent aſſembling of Parliaments is one, and that VVe have not, or ſhall not have any thought of uſing any force, unleſſe VVe ſhall be driven to it, for the ſecurity of Our Perſon, and for the defence of the Religion, Laws and Liberty of the Kingdome, and the Juſt Rights and Priviledges of Parliament: And therefore VVee hope the Malignant Party, who have ſo much deſpiſed Our Perſon, and uſurped Our Office, ſhall not by their ſpecious fraudulent Inſinuations prevail with Our good Subjects, to give credit to their wicked Aſſertions, and ſo to contribute their power and aſſiſtance for the Ruine and Deſtruction of Us and themſelves.

For Our Guard about Our Perſon (which not ſo much their example as their Provocation inforced Us to take) it is known it conſiſts of the prime Gentry (in Fortune and Reputation) of this County, and of one Regiment of Our Trained Bands, who have been ſo far from offering any Affronts, Injuries, or Diſturbance to any of Our good Subjects, that their principall End is to prevent ſuch, and ſo may be ſecurity, can be no grievance to Our People.

That ſome ill affected perſons, or any Perſons have been employed in other parts to raiſe Troops under colour of Our ſervice, or have made large (or any) Offers of Reward and Preferment to ſuch, as will come in, is (ſor ought wee know, and as wee believe) an untruth deviſed by the Contrivers of this falſe Rumour; We diſavow it, and are confident there will be no need of ſuch Art or Induſtry to induce Our loving Subjects, when they ſhall ſee Us oppreſſed, and their Liberties and Laws confounded, (and till then Wee ſhall not call on them) to come in to Us, and to aſſiſt us.

For

For the Delinquents (whom we are said with a high and forcible hand to protect) let them be named, and their Delinquency, and if We give not satisfaction to Justice, when We shall have received satisfaction concerning Sir *John Hotham* by his Legall Tryall, then let Us be Blamed. But if the designe be (as it is well knowne to be) after we have been driven by force from Our City of *London*, and kept by force from Our Towne of *Hull*, to protect all those who are Delinquents against Us, and to make all those Delinquents, who attend on Us, or execute Our lawfull Commands; We have great Reason to be satisfied in the truth and Justice of such Accusation, lest to be Our servant, and to be a Delinquent grow to be Termes so Convertible, that in a short time, We be left as naked in Attendance, as they would have Us in power, and so compell Us to be waited on onely by such whom they shall appoint and allow, and in whose presence We should be more miserably alone, then in desolation it selfe. And if the seditious Contrivers and Fomenters of this scandall upon Us, shall have (as they have had) the power to misleade the major part present of either or both Houses, to make such Orders, and send such Messages and Messengers as they have lately done, for the apprehension of the great Earles and Barons of *England*, as if they were Rogues or Felons; And whereby Persons of Honour and quality are made Delinquents, meerely for attending upon Us, and upon Our summons, whilst other men are forbid to come neere Vs (though obliged by the Duty of their places and Oathes) upon Our Lawfull Commands: It is no wonder if such Messengers are not very well entreated, and such Orders not obeyed; neither can there be a surer, and a cunninger way found out, to render the Authority of both Houses scorned and vilified, then to assume to themselves (meerly upon the Authority of the name of Parliament) a Power monstrous to all Vnderstandings, and to doe Actions, and to make Orders evidently and demonstrably contrary to all knowne Law and Reason (As to take up Armes against Vs, under colour of defending Vs; to cause money to be brought in to them, and to forbid Our owne money to be paid to Vs, or to Our use, under colour that We will imploy it ill; to beat Vs, and starve Vs for Our own good, and by Our Power and Authority) which must in short time make the greatest Court and greatest Person, cheap and of no Estimation.

Who those sensible men are of the Publique Calamities, of the Violations of the Priviledges of Parliament, and the common liberty of the subject, who have been basted and injured by malignant men and Cavaliers about Us, we cannot imagine; and if those Cavaliers are so much without the feare of God and man, and so ready to commit all manner of outrage and violence as is pretended, Our Government ought to be the more esteemed which hath kept them from doing so; in so much as We beleve no person hath cause to complaine of any Injury, or of any damage in the least degree, by any Man about

or who hath offered his Service to us. All which being duly considered if the Contrivers of these Propositions and Orders had been truly sensible of the Obligation, which lies upon them in honor, Conscience, and Duty, according to the high trust reposed in them by Us, and Our People, they would not have published such a sense, and apprehension of imminent danger, when themselves in their Consciences know, that the greatest and (indeed) onely danger which threatens this Church and State, the blessed Religion and Liberty of Our People, is in their owne desperate and seditious designes, and would not endeavour upon such weak and groundlesse Reasons, to seduce Our good Subjects from their affection and loyalty to Us, to run themselves into Actions unwarrantable, and destructive to the peace and foundation of the Common-wealth.

And that all Our loving Subjects may see, how causelesse and groundlesse this scandalous Ruinor, and imputation, of Our raising War upon Our Parliament is, We have, with this Our Declaration, caused to be Printed the Testimony of those Lords and other Persons of Our Councell who are here with Us, who being upon the place, could not but discover such Our Intentions and Preparations, and cannot be suspected for their Honors and Interests, to combine in such mischievous and horrid Resolutions.

And therefore We straightly Charge and Command all our loving Subjects upon their Allegiance, and as they wil answer the Contrary at their perills, that they yeild no obedience or consent to the said propositions, and Orders; and that they presume not (under any such Pretences, or by colour of any such Orders) to raise or leavy any Horse or Men, or to bring in any Money, or Plate to such purpose: But if notwithstanding this cleare Declaration and Evidence of our Intentions, these men (whose Designe it is to compell Us to raise Warre upon Our Parliament, (which all their skill and malice shall never be able to effect) shall think fit by these Alarmes to awaken Us to a more necessary care of the defence of Our Selfe and Our People, and shall themselves (under colour of defence) in so unheard-of a Manner provide (and seduce others to doe so too) to offend Us, having given Us so lively testimony of their Affections what they are willing to doe, when they have once made themselves able; All Our good Subjects will think it necessary to look to Our Selfe. And We doe then excite all Our well affected People according to their Oathes of Allegiance and Supremacy. and according to their solemne Vow and Protestation (whereby they are obliged to defend Our Person, Honour, and Estate) to contribute their best assistance to the preparations necessary for the opposing and suppressing of the Traiterous Attempts of such wicked and malignant Persons, who would destroy Our Person, Honour, and Estate; and engage
the

the whole Kingdome in a Civill Warre to satisfy their owne Lawlesse Fury and Ambition, and so robbe Our good Subjects of the blessed fruit of this present Parliament, which they already in some degree have, and might still reap (to the abundant satisfaction and Joy of the whole Kingdome) if such wicked hands were not ready to ruine all their possession, and frustrate all their hopes.

We doe therefore declare, That whosoever of what degree or quality soever, shall then upon so urgent and visible necessity of Ours, and such an apparent distraction of the Kingdome (caused and begotten by the malice and contrivance of this malignant Party) bring in to Us, and Our use, ready Money or Plate, or shall underwrite to furnish any number of Horse, Horse-men and Armes for the preservation of the publique Peace, the defence of Our Person, and the vindication of the Priviledge and freedom of Parliament, We shall receive it as a most acceptable service, and as a testimony of his singular Affection to the Protestant Religion, the Lawes, Liberties, and Peace of the Kingdome, and shall no longer desire the continuance of that Affection, then We shall be ready to justify and maintaine those with the hazard of Our life.

And doe further declare, that whosoever shall then bring in any summes of Money or Plate to assist us in this great extremitie, shall receive consideration after the Rate of 8. *l.* per Centum, for all such moneys as he shall furnish Us withall, and shall upon the payment of such money to such persons, whom We shall appoint to receive the same, receive security for the same by good lawfull Assurance of such Our Lands, Forests, Parkes, and Houses, as shall be sufficient for the same; and more reall security then the name of *Publique Faith* given without Us and against Us, as if We were no part of the Publique; and beside We shall alwayes look upon it, as a service most affectionately and seasonably performed for the preservation of Us and the Kingdome: But We shall be much gladder that their Submission to those Our Commands, and their desisting from any such Attempt of raising Horse or Men may ease all Our good Subjects of that Trouble, Charge, and Vexation.

His Majesties Declaration any Profession, disavowing any Preparations or Intentions in Him, to leavy Warre against His Houses of Parliament.

THere having been many Rumors spread, and Informations given, which may have induced many to beleve, That We intend to make Warre against Our Parliament; We professe before God, and declare to all the World, That We alwayes have and do abhor all such Designes, and desire
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all Our Nobility and Councell, who are here upon the place, to declare, Whether they have not been Witnesses of Our frequent and earnest Declarations and Professions to this purpose; Whether they see any colour of preparations or Councils, that might reasonably beget a suspition of any such Designe; and whether they be not fully perswaded, that We have no such Intention; but that all Our endeavours (according to Our many Professions) tend to the firm and constant settlement of the true Protestant Religion, the just Privileges of Parliament, the Liberty of the Subject, the Law, Peace, and Prosperity of this Kingdome.

Given at Our Court at York this 15. of June. 1642.

The Declaration and Profession of the Lords, and others of His Majesties most Honourable Privy Councell, now present at York, disavowing any Preparations or Intentions in His Majesty to Levy Warre against His Parliament.

WEE whose Names are underwritten in obedience to His Majesties Desire and out of the Duty which we owe to His Majesties Honour, and to Truth, being here upon the place, and Witnesses of His Majesties frequent and earnest Declarations and professions, of His abhorring all Designes of making Warre upon His Parliament, and not seeing any colour of Preparations or Councils that might reasonably beget the beleefe of any such designe, do professe before God, and testifie to all the world, That we are fully perswaded, that His Majesty hath no such intention; But that all His endeavours tend to the firm and constant settlement of the true Protestant Religion, the just Privileges of Parliament, the Liberty of the Subject, the Law, Peace, and Prosperity of this Kingdome.

York, Jun: 15. 1642.

Lo. Keeper, Du. Richmond, Marq. Hertford, Lo. Gr. Chamberlain, Ea. Cumberland, Ea. Bath, Ea. Southampton, Ea. Dorset, Ea. Salisbury, Earle Northampton, Ea. Devonshire, Ea. Cambridge, Ea. Bristol, Ea. Clare, Ea. Westmorland, Ea. Barkshyre, Ea. Monmouth, Ea. Rivers, Ea. Dover, Ea. Cararvon, Ea. Newport. Lo. Mowbray and Matravers, Lo. Willoughby of Eresby, Lo. Grey of Ruthin, Lo. Howard, Andover, Lo. Newark, Lo. Poulet, Lo. Lovelace, Lo. Rich, Lo. Savile, Lo. Mohun, Lo. Coventry, Lo. Dunsmore, Lo. Scymore, Lo. Capell, Lo. Falkland, Sir Peter Wyeh Comptroller, M. Secretary Nicholas, M. Chancellor of the Exchequer, Lo. Chiefe Justice Banks.

FINIS.

Instructions for Deputy Lieutenants Which are members of the House of Commons, and other Lieutenants of severall Counties concerning the last Propositions:

THat the Deputy Lieutenants of each County which are members of the House, shall have authority to tender the Propositions to the other Deputy Lieutenants of the same County, and take their subscriptions; and all such Deputy Lieutenants, or any two of them, as shall subscribe according to the propositions, shall have authority to assemble, and call together all such persons as they shall think fit, and to tender those propositions to all such persons as shall be present or to any persons within their Counties respectively, and receive their subscriptions, and the said Deputy Lieutenants, or any two of them, shall have authority to name such, and so many persons as they shall think fit; to assemble and call together every person, or to repair to their severall houses, or dwellings within their respective Countyes and to take their Subscriptions, which Subscriptions are by them to be returned to such persons as shall be appointed Receivers in the respective Countyes, who shall from time to time certifie the summes, values, or proportions of such subscriptions to the Treasurers of *London*.

2 The said Deputy Lieutenants, or the greater party of them shall have power to name receivers in their severall Counties, and all such as shall either before or after their subscriptions pay, or bring in any Money or Plate, shall deliver the same to such person or persons as shall bee appointed by the said Deputy Lieutenants, or the greater part of them, under their hands to be receivers, which the said persons so appointed shall cause to be delivered to the Treasurers in *London*, named in the said Propositions, and shall receive acquittances from the said Treasurers, in the name, and to the use of the severall persons, from whom they shall receive such Money or Plate, and shall deliver such Acquittances to the severall persons to whom they doe belong; and all such as make such returns of Money or Plate, shall receive reasonable allowance from the Treasurers for the same, according to their discretions.

3 All that find Horses shall presently send them up to *London*, according to the Propositions.

4 In those Countyes where no Commissions are issued to those that were nominated for Deputy Lieutenants, or none have beene nominated, there the same authority to bee given to such Iustices of the Peace, or other Gentlemen of those Countyes, which shall be named by the Knights and Burgesses of those Countyes, and approved by both Houses, as is to the Deputy-Lieutenants in the first instruction.

5 That

5 That the time of notice shall be taken to be from the time that every man hears the Propositions first read by the Authority aforesaid.

6 It is ordered that Captain *Burrell*, Master *Lloyd*, *John Smith* of *London*, Gentlemen, and *Francis Doves* of *London* Gentleman be Commissaries to enrol and value the Horses and Armes to bee raised according to the Propositions,

FINIS.

Directed that this be forthwith Printed.

H. Elsyng. Cler. Parl. D. Com.

To the Kings most Excellent Majesty :

The humble Petition of the Lords and Commons
in Parliament assembled.

YOur Maiesties most humble and faithfull Subjects, the Lords and Commons assembled in Parliament, have lately received a Petition from a great number of the Gentry, Free-holders, and other Inhabitants of the County of *York*, assembled there by Your Maiesties Command the third of *June*, wherein they declare unto Us, *That having taken a resolution to addresse themselves unto your Majesty in the humble way of a Petition, for the redresse of those Grievances which they now lye under, they were violently interrupted and affronted therein by the Earl of Lyndsey the Lord Savil and others, and notwithstanding all the means they could use to present their just desires to your Majesty, yet they could not prevail with your Majesty to accept of their Petition ;* The Copy whereof they have sent to us, with an humble Desire, *That we would take such course therein as may tend to the Preservation of their Liberties, and the Peace of the Kingdome; And that we would addresse our selves to your Maiesstie in their behalf, that by our meanes their desires may finde better acceptation with your Majesty ;* Whereupon, having seriously weighed, and considered the particulars of those their Complaints and Desires, as they are laid down in their Petition ; And finding that the Grievances they complain of are the increase of the Miseries formerly sustained by that County (which hath wel-nigh for three yeeres last past bene the Tragicall Stage of Armies and War) by reason of your Maiesties distance in Residence, and difference in Counsels from your great Councell, the Parliament, begetting great distempers and distractions thorowout the Kingdome, and especially in that County ; The drawing to those Parts great num-

bers of discontented persons, that may too justly be feared do affect the publike Ruine for their private advantage; The drawing together of many Companies of the Trained Bands; and others both Horse and Foot of that County, and retaining multitudes of Commanders and Cavaliers from other parts; The daily Resort of Recufants to your Majesties Court at *York*; The great preparations of Armes and other warlike provisions, to the great terrour and amazement of your Majesties peaceable Subjects, and causing a great decay of Trade and Commerce amongst them. All and every of which particulars are against the Law, which your Majesty hath made so many and so frequent professions to uphold and mayntain.

And the Lords and Commons finding on the other side their humble desires to be, That Your Majesty would hearken to your Parliament, and declining all other Counsels whatsoever, unite Your Confidence to Your Parliament, and that Your Majesty would not divide Your Subjects joynt duty to Your Majesty, the Parliament and Kingdom, nor destroy the Essence of Your great Councell and highest Court, by subjecting the Determinations and Counsels thereof to the Counsels and Opinions of any private persons whatsoever, That Your Majesty having passed an Act, That this Parliament shall not bee dissolved, but by Act of Parliament, Your Majesty would not doe any thing tending thereunto, by commanding away the Lords and great Officers, whose Attendance is necessary thereunto; That Your Ma. having expressed Your confidence in the affections of that County, You would please to dismisse Your extraordinary Guards, and the Cavaliers and others of that quality; who seem to have little Interest or Affection to the publike good, their language and behaviour speaking nothing but Division and War, and their advantage consisting in that which is most destructive to others. And lastly, that in such Consultations and Propositions as Your Majesty maketh to that County, such may not be thrust upon them as men of that County, that neither by their fortune or Residence are any part of it.

All which their humble and most just desires being according to Law, which Your Majesty hath so often declared should be the Measure and Rule of Your Government and Actions. And We Your Majesties most faithfull Subjects the Lords and Commons fully concurring with the Gentlemen and others of the County of *York* in their Assurance that those desires of theirs will abundantly redound to the glory of God, the honour and safety of Your Majesty, the good of Your Posterity, and the Peace and Prosperity of this Kingdom; we humbly beseech Your Majesty graciously to hearken unto them, and to grant them; and that you would joyn with Your Parliament in a speedy and effectuall course for the Preservation of their Liberties, and the Peace of the Kingdom,

dom, which duty as we are now called upon by that County to discharge, so doe we stand engaged to God and Man for the performance thereof by the trust reposed in us, and by our solemne Vow and Protestation; And Your Majesty together with us stands engaged by the like Obligation of Trust, and of an Oath, besides the many and earnest Professions and Protestations, which Your Majesty hath made to this Purpose to Your whole Kingdom in generall, and to that County in particular; the peace and quiet of the Kingdome (as is well observed by these Gentlemen and Free-holders of *Yorkshire* in their Petition) being the onely visible means under God, wherein consists the Preservation of the Protestant Religion, the Redemption of Our brethren in *Ireland*, and the happinesse and prosperity of Your Majesty, and of all Your Dominions.

His Majesties Answer to the Petition of the Lords and
Commons in Parliament assembled, presented
to His Majesty at *Yorke*, the seven-
teenth of *June*, 1647.

HIS Majesty having carefully weighed the matter of this Petition presented to Him at *York* on Friday the seventeenth of June, by the Lord *Howard*, Sir *Hugh Cholmeley*, Sir *Philip Stapleton*, Though Hee might refer the Petitioners to His two last Declarations, wherein most of the particulars in this Petition are fully answered, or might refuse to give any Answer at all, till Hee had received satisfaction in those high Indignities Hee hath so often complained of, and demanded Justice for; Yet that all the World may see how desirous His Majesty is to leave no Act which seems to carry the Reputation of both His Houses of Parliament, and in the least degree to reflect upon His Majesties Justice and Honour, unanswered; Is graciously pleased to return this Answer.

That if the Petition mentioned to be presented to both Houses of Parliament had been annexed to this now delivered to Him, His Majesty might have discerned the number and the quality of the Petitioners which His Majesty hath great reason to believe was not in truth so considerable as is pretended: For His Majesty assures you, That He hath never refused any Petition so attested as that would be thought to be; But His Majesty well remembers, that on the third of *June*, when there was upon His Majesties Summons, the greatest

test and the most cheerfull concourse of people that ever was beheld of one County, appearing before Him at *York*, a Gentleman (One Sir *Thomas Fairfax*) offered in that great Confluence a Petition to His Majesty, which his Majesty seeing to be avowed by no man but himself, and the generall and universall Acclamations of the people seeming to disclaim it, did not receive, conceiving it not to be of so publike a nature, as to be fit to be presented or received in that place: And his Majesty is most confident, (and in that must appeal to those were then present) that what ever the substance of that Petition was, it was not consented to by any considerable number of Gentry, or Freeholders of this County, but solicited by a few, mean, inconsiderable persons, and disliked, and visibly discountenanced by the great Body of the knowne Gentry, Clergy, and Inhabitants of this whole County: And if the matter of that Petition was such as is suggested in this, His Majesty hath great reason to believe it was framed and contrived (as many others of such nature have been) in *London*, not in *Yorkshire*; For sure no Gentleman of quality and understanding of this County, would talk of his great preparations of Arms, and other warlike provisions, to the great Terrour and Amazement of his peaceable Subjects, when they are witnesses of the violent taking his Arms from him and stopping all ways for bringing more to him: And if there were no greater Terrour and Amazement of his Majesties peaceable Subjects in other places by such preparations and provisions, there would be no more cause to complain of a great decay of Trade and Commerce there, then is in this place: But his Majesty hath so great an assurance of the fidelity and generall affections of His good Subjects of this County, (which He hopes will prove exemplar over His whole Kingdom) that He hath great cause to believe, That they do rather complain of His Majesties Confidence, and of His Slownesse; That whilest there is such endeavour abroad to raise Horse, and to provide Arms against His Majesty, and that endeavour put in execution, his Majesty trusts so much to the Justice of His Cause, and the Affections of His people, and neglects to provide strength and to assist that Justice, and to protect those Affections.

For any Affronts offered by the Earle of *Lindsey* or the Lord *Savill* to those who intended to petition His Majesty; His Majesty wishes that both His Houses of Parliament would have examined that Information, and the credit of the Informers, with that gravity and deliberation, as in Cases which concern the Innocence and Honour of Persons of such quality hath been accustomed, before they had proscribed two Peers of the Realme, and exposed them (as much as in them lay) to the rage and fury of the people, under the Character of being *Enemies to the Common-wealth*, A brand newly found out (and of no Legall signification) to incense the people by, and with which the simplicity

of former times was not acquainted; And then His Majesty hath some Reason to believe, they would have found themselves as much abused in the report concerning those Lords, as He is sure they are in those which tell them of the *Resort of great numbers, and discontented persons to Him*, and of the other particulars mentioned to be in that Petition; Whereas they who observe what Resort is here to His Majesty, well know it to be of the prime Gentlemen of all the Counties in *England*, whom nothing but the love of Religion, the care of the *Laws*, and Liberties of the Kingdom, besides their Affection to His person, could engage into great Journeys, Trouble and expence, Men of as precious Reputation, and as exemplary Lives, as this Nation hath any, whose assistance His Majesty knows He must not expect, if Hee should have the least Designe against Honour and Justice; And such witnesses His Majesty desires to have of all His Actions.

For the declining all other Counsels and the Uniting His Confidence to His Parliament, His Majesty desires both His Houses of Parliament seriously and sadly to consider, that it is not the name of a great or little Councell that makes the Results of that Councell just or unjust; neither can the imputation upon His Majesty of not being advised by His Parliament (especially since all their Actions and all their Orders are exposed to the publike view) long mislead His good Subjects, except in truth they see some particular sound advice necessary to the peace and happinesse of the Common-wealth disesteemed by His Majesty, and such an instance He is most assured, neither can nor shall be given, and that they will thinke it merit in His Majesty from the Common-wealth to reject such Counsel as would perswade him to make himself none of the three Estates, by giving up His negative voice to allow them a Power superior to that which the Law hath given Him, whensoever it pleaseth the major part present of both Houses to say, that He doth not discharge His Trust as he ought, & to subject his & his Subjects unquestionable Right and Propriety to their Votes, without & against Law, upon the meer pretence of necessity. And his Ma. must appeale to all the World, who it is that endeavours to divide the joynt duty of his Subjects, His Majesty who requires nothing but what their own duty, guided by the infallible Rule of the Law, leads them to do, or they who by Orders and Votes (opposite and contradictory to Law, Custome, Precedent and Reason) so confound the affections and understandings of his good Subjects, that they know not how to behave themselves with honesty and safety, whilst their conscience will not suffer them to subnit to the one, nor their feebility to apply themselves to the other. It is not the bare saying that his Majesties Actions are against the Law (with which hee is reproached in this Petition, as if hee departed from his often Protestations to that purpose)

must conclude him, there being no one such particular in that Petition alledged, of which his Majesty is in the least degree guilty; whether the same Reverence and esteem be paid by you to the Law (except your own Votes be judge) needs no other Evidence then those many, very many Orders published in Print, both concerning the Church and State, those long Imprisonments of severall persons without hearing them upon generall information, and the great and unlimited Fees to your Officers, worse then the Imprisonment, and the Arbitrary censure upon them when they are admitted to be heard; Let the Law be judge by whom it is violated.

For that part of the Petition which seems to accuse his Majesty of a purpose to dissolve this Parliament (contrary to the Act for the continuance) by commanding away the Lords and great Officers, whose attendance is necessary, which his Majesty well knows to be a new calumny, by which the Grand Contrivers of Ruine for the State, hope to seduce the minds of the people from their affection to, or into Jealousie of his Majesty, as if He meant this way to bring this Parliament (which may be the case of all Parliaments) to nothing; it is not possible for his Majesty more to expresse his affection to, and his Resolution for the Freedom, Liberty and Frequency of Parliaments, then he hath done.

And who ever considers how visible it must be to his Majesty, that it is impossible for him to subsist without the affections of his people, and that those affections cannot possibly be preserved or made use of but by Parliaments cannot give the least credit, or have the least suspicion, that his Majesty would chuse any other way to the happineffe he desires for himself and his Posterity, but by Parliaments.

But for his calling the Lords hither, or any others absenting themselves who have not been called, who ever considers the Tumults (which no Votes or Declaration can make to be no Tumults) by which his Majesty was driven away, and many Members of either House in danger of their lives, the demanding the names of those Lords who would not consent to their Propositions by Message from the House of Commons delivered at the Bar by M. Hollis, with that most tumultuous Petition in the Name of many thousands (among many other of the same kinde) directed to the House of Commons, and sent up by them to the House of Lords, taking notice of the prevalence of a Malignant Faction, which made abortive all their good Motions, which tended to the peace and tranquillity of the Kingdome, desiring that those noble Worthies of the House of Peeres who concurred with them in their happy Votes, might be earnestly desired to joyn with that honourable House, and to sit and Vote as one entire Body, professing that unless some speedy Remedy were taken for
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the Removall of all such obstructions as hindred the happy progresse of their great endeavours, their Petitioners should not rest in quietnesse, but should be enforced to lay hold on the next Remedy which was at hand to remove the Disturbers of their peace, and (want and necessity breaking the bounds of modesty) not to leave any means unassayed for their Reliefe, adding that the cry of the poore and needy was, that such persons who were the Obstacles of their peace, and hinderers of the happy proceedings of this Parliament might be forth-with publikely declared, whose Removall they conceived would put a period to these Distractions; upon which a great number of Lords departing, the Vote in order to the Ordinance concerning the *Militia* was immediatly past, though it had been twice before put to the Question, and rejected by the Votes of much the major part of that House. And who ever considers the strange Orders, Votes and Declarations which have since passed, to which who-soever would not consent, that is, with freedom and liberty of language and Reason professe against, was in danger of censure and imprisonment, will not blame our care in sending for them, or theirs in coming, or absenting themselves from being involved in such conclusions. Neither will it be any objection that they stayed there long after any Tumults were, and therefore that the Tumults drave them not away: If every day produced Orders and Resolutions as illegall as, and indeed but the effects of the Tumults, there was no cause to doubt the same power would be ready to prevent any Opposition to those Orders after they were made, which had made way and preparation for the propositions of them, and so who-soever conceived himself in danger of future Tumults (against which there is not the least provision) was driven away by those which were past: And his Majesty hath more reason to wonder at those who stay behind, after all his Legall power is Voted from him, and all the people told, That he might be with modesty and duty enough deposed, then any man hath at those who have been willing to withdraw themselves from the place where such desperate and dangerous positions are avowed; which his Majesty doth not mention with the least thought of lessening the power or validity of any Act to which he hath given his Assent this Parliament; All and every of which he shall as inviolably observe, as he looks to have his own Rights preserved, but to shew by what means so many strange Orders have of late been made, And to shew how earnestly his Majesty desires to be present at, and to receive Advice from both Houses of Parliament (against whom it shall never be in the power of a malignant party to incense his Majesty) his Majesty again offers his consent, that both Houses may be Adjourned to another place, which may be thought convenient, where his Majesty will be present, and doubts not but the Members of either House will make a full Appearance; And

even the Intermission which must attend such an Adjournment, may not be the least means of recovering that temper which is necessary for such Debates.

And this his Majesty conceives to be so very necessary, that if the minds and inclinations of every Member of either House were equally composed, the Licence is so great, that the meane people about *London* and the Suburbs have taken, that both for the Liberty and Dignity of Parliament, that Convention for a time should be in another place. And sure how much soever the safety and security of this Kingdome depends on Parliaments, it will never be thought, that those Parliaments must of necessity be at *Westminster*.

His Ma. Confidence is no lesse then he hath expressed (& hath great cause to expresse) in the affections of this County, an instance of which affections all men know his own Guard (which is not extraordinary) to be, & wonders that such a legal Guard at his charge, for his person, (within 20 miles of a Rebellion, and of an Army in pay against him) should be objected by those, who for so many moneths, and in a place of known and confessed security, have without and against Law kept a Guard for themselves at the charge of the Commonwealth, and upon that stock of money which was given for the reliefe of the miserable and bleeding condition of *Ireland*, or the payment of the great debt due to Our Kingdom of *Scotland*.

For the resort of Papists to the Court, his Majesties great care for the prevention thereof is notoriously knowne, that when hee was informed two or three of his intended Guard were of that Religion, hee gave especiall direction, with expressions of his displeasure, that they should be immediatly discharged, & provided that no person should attend on him under that Relation, but such as took the Oaths of Allegiance and Supremacy; that he commanded the Sheriff to proceed with all severity according to the Law against all Papists that should come within five miles of the Court, and if notwithstanding this, there be any Papists neer the Court, (which his Majesty assures you he knows not, nor hath heard but by this Petition) he doth hereby Command them to depart, and declares to all Officers and Ministers of Justice, that they shall proceed strictly against them according to the Law, and as they will answer the contrary at their perils.

For the language and behaviour of the *Cavaliers* (a word by what mistake soever it seems much in disfavour) there hath not been the least complaint here, and therefore it is probable the fault was not found in this County. Neither can his Majesty imagine what is meant by the mention of any men thrust upon them in such Consultations and Propositions as His Majesty makes to this County, who are neither by their Fortune or Residence any part of it, and therefore can make no answer to it.

To conclude, His Majestie assures you He hath never refused to receive any Petition, whether you have or no your selves best know, and will consider what Reputation it will be to you of Justice or Ingenuity to receive all Petitions how senselesse and scandalous soever of one kinde, under pretence of understanding the good peoples mindes and affections, and not onely refuse the Petition, but punish the Petitioners of another kind, under colour that it is a crime, that they are not satisfied with your sense, as if you were onely trusted by the people of one opinion; To take all pains to publish and print Petitions which agree with your wishes, though they were never presented, and to use the same Industry and Authority to keep those that indeed were presented and avowed from being published (though by Our own Authority) because the Argument is not pleasant to you; To pretend Impartiality and Infallibility, and to expresse the greatest passion and affection in the Order of your Proceeding, and no lesse error and mis-understanding in your Judgements and Resolutions. He doth remember well the obligation of His Trust and of His Oath, and desires that you will doe so too, and your own solemn Vow and Protestation, and then you will not only think it convenient, but necessary to give His Majestie a full Reparation for all the scandalis laid upon Him, and all the scandalous positions made against Him, and that it is lesse dishonour to retract errors, then by avowing to confesse the malice of them, and will see this to be the surest way for the preservation of the Protestant Religion, the redemption of Our Brethren in *Ireland*, the happinesse and prosperity of your selves and of all Our Dominions, and of the Dignity and Freedom of Parliament.

FINIS.

By the King.

A Proclamation forbidding all Levies of Forces without His Majesties expresse pleasure, signified under His Great Seale, and all Contributions or Assistance to any such Levies.

V Whereas, under pretence that ~~We~~ intend to make ~~War~~ against the Parliament (the contrary whereof is notoziously knowne to all that are here, and as ~~We~~ hope by this time apparent to all other Our Subjects, as well by Our Declaration of the sixteenth of June, as by the Testimonie of all Our Nobility and Councell, who are here upon the place) And by colour of the Authority of both Houses of Parliament (a major part whereof are now absent from London) by the contrivance of some seditious

persons, disguising and colouring their pernicious Designs and hostile Preparations under the plausible names of The preservation of publicke Peace and defence of Vs and both Houses of Parliament from Force and Violence, it hath beene endeavoured to raise Troopes of Horse and other Forces.

And so; that purpose they have prevailed, not onely to prohibit Our own sponneys to be paid to Us, or to Our use, but, by the same and Authority of Parliament, to excite Our Subjects to contribute their Assistance to them, by bringing in sponneys, Plate, or underwriting to furnish and maintaine Hozles, Hozlemen, and Arms; And to that purpose certain Propositions or Orders (as they are styled by them) have beene Printed, whereby they have endeavoured to engage the Power and Authority of Parliament (as if the two Houses, without Us, had that Power and Authority) to save harmlesse, all those that shall so contribute, from all Perjudice and inconvenience that may befall them by occasion thereof.

And although We well hope that these malignant persons (whose Actions do now sufficiently declare their former Intentions) will be able to prevail with few of Our good people to contribute their Power or Assistance unto them; Yet, lest any of Our Subjects (taking upon trust what those Men affirme) without weighing the grounds of it, or the danger to Us, themselves, and the Common-wealth, which would ensue thereupon, should indeed beleeve (what these persons would insinuate, and have them to beleeve) That such their Contribution and Assistance would tend to the preservation of the Publick Peace, and the Defence of Us and both Houses of Parliament, and that thereby they should not incur any danger.

We, that We might not be wanting (as much as in Us lieth) to so;e; shew and to prevent the danger which may fall thereupon, Have hereby thought good to Declare and publish unto all Our loving Subjects, That by the Lawes of the Land, the power of raising of Forces or Arms, or leav;ing of War so; the Defence of the Kingdome, or otherwise, hath alwayes belonged to Us, and to Us onely, and that by no Power of either, or both Houses of Parliament, or otherwise, contrary to Our personall Commands, any Forces can be raised, or any War leav;ied.

And therefore, by the Statute of the seventh yeere of Our famous Progenitor, King Edward the first, whereas there had been then some variances betwixt him and some great Lords of the Realme, and, upon Treaty thereupon, it was agreed, that in the next Parliament after provision should be made, That in all Parliaments, and all other Assemblies which should be in the Kingdome so; ever, that every man should come without Force and Armour, well and peaceably: Yet at the next Parliament when they met together to take notice of this Businesse (though it concerned the Parliam;ment

ment it selfe) the Lords and Commons would not take it upon them, but answered, That it belonged to the King to defend Force of Armour and all other Force against the Peace at all times when it pleased him and to punish them which should doe contrary, according to the Lawes and Usages of the Realm, and that they were bound to aid him as their Sovereigne Lord, at all seasons when need should be. And accordingly in Parliament. In after times, the King alone did make his Proclamations, prohibiting bearing Armes by any person, in or neere the City where the Parliament was excepting such of the Kings Servants as he should depute or should be deputed by his Commandement, and also excepting the Kings Spinifiers. And by the Statute of Northampton, made in the second yeere of King Edward the third, it is Enacted That no man, of what condition soever he be (except the Kings Servants, in his presence, and his Spinifiers in executing the Kings Precepts, or of their Office, and such as be in their company assisting them) go, nor ride Armed by night or day in Fairs, Markets, nor in the presence of the Justices, or other Spinifiers, nor in no part elsewhere.

And this power of raising Forces to be solely in the King, is so knowne and inseparable a right to the Crowne, That when, in the reigne of King Henry the eight, there being a sudden Rebellion, the Earle of Shrewsbury, without Warrant from the King, did raise Armes for the suppression thereof, and happily suppressed it, yet was he forced to obtaine his Pardon. And whereas the Duke of Gloucester, and other great Lords, in the eleventh yeere of King Richard the second (upon pretence of the good of the King and Kingdome, the King being then not of age, and led away as they alleged, by evil Counsellours) did raise Forces, and by them mastered their Adversaries. In that Parliament (such as it was, for it was held and kept with Force, how good use soever hath been made of the Presidents therein) they procured a speciall Act of Pardon for their raising of men and that those Assemblies should not be vsuall into example for the time to come.

And as no man can leaue War, or raise Forces without the King, so much lesse against the personall Commands of the King opposed thereto: For by the Statute of the 25. yeere of King Edward the third (which is but Declaratory of the old Law in that point) it is Treason to leaue War against the King in his Realme; Within the construction of which Statute, it is true (which was said in the late Declaration under the name of both Houses of Parliament, of the 26. of May last) leaueing War (in some sense) against the Kings authority (though not intended against his Person) is leaueing War against the King: And therefore the raising of Forces, though upon pretence of removing of some evil Counsellours from about the
 Queen,

Queen, hath been adjudged Treason, in the Case of the late Earle of Essex, in the Reigne of Queen Elizabeth, and in others other Cases. (And Wee with all Our Subjects to consider. Whether, if men shall be raised contrary to Our Proclamation, and against Our Will, it be not against Our authority.) But it is as true (and was never denied, but in that Declaration) That the raising of Forces against the Kings personall Command (being no Idiot, no Infant, incapable of understanding to Command) being accompanied with His presence, is, and is most properly leaping of Warre against the King; For if it be a sufficient pretence for raising of Men against the Kings person, that it is for the defence of the Kings authority, and of His Kingdome (though against his expresse Command and Proclamation) the Irish Rebels will have colour for the horrid Rebellion; For they say (though it be notoriously false) It is for the defence of the Kings Authority, and of His Kingdome; And Wat Tyler and Jack Cade, and Kett the Tanner wanted not publick Pretences, which were perhaps iust causes of Complaints, though not of raising of Men.

And though these persons have gone about subtilly to distinguish betwixt Our Person and Our Authority, as if, Because Our Authority may be where Our Person is not, that therefore, Our Person may be where Our Authority is not; We require all Our good Subjects to take notice of the Law (which is in Print and full Force) That their Allegiance is due unto the naturall Person of their Prince, and not to His Crown or Kingdome distinct from His naturall Capacitie. And that by the Oath of Ligeance at the Common Law (which all persons above the age of twelve yeeres are, or ought to be sworn unto) they are bound to be true and faithfull, not to the King onely as King; but to Our Person as King CHARLES, and to beare His truth and faith of Life and Member, and earthly Honour; and that they shall neither know nor heare of any ill or damage intended to Us that they shall not defend. And that when, in the time of King Edward the second, Hugh Spencer being discontented with the King, caused a Bill to be written, wherein was contained amongst other things, That Homage and the Oath of Allegiance was moze by reason of the Kings Crown (that is, His Kingdome) then of His Person; and that seeing the King cannot be reformed by suit of Law, if the King will not redresse and put away that which is ill for the Common People, and hurtfull to the Crowne. That the thing ought to be put away by force, and that His Lesgebe bound to Govern in aid of Him, and in default of Him; he was condemned for it by two Parliaments, and perpetually banished the Kingdome.

We have made mention of these cases, not so much to cleere Our Right,
That

* Cook 7. Rep.
Calvins Case.

That We alone have the power of raising Forces, and none of Our Subjects, either in Parliament, or out of Parliament against Our Will, or personall Command (which We think no man that hath the least knowledge in Our Laws, and is not led away by private Interests, and may speake his minde freely, will deny, nor was ever questioned in any Parliament before this time) as to let them see how dangerous the effect and consequence of raising of Forces, without Us, may be unto Us, and to the Common wealth, under pretence of Defence of both.

And though We cannot doubt of the affections of Our good Subjects, considering their interest is involved with Ours, and how precious the peace of the Kingdome is, and ought to be unto them; and that according to the words of the Statute of the eleventh yeare of King Henry the seventh, and the eighteenth Chapter, By the duty of their Allegiance they are bounden to serve and assist Us at all seasons when need shall require.

Yet, to the end that Our good Subjects may know what their duty is, and what We expect from them, and that all others, who through Malice or private Interests, shall be transported beyond their duties, may be left without excuse; We doe therefore by this Our Proclamation charge and command all Our Subjects upon their Allegiance, and as they tender Our Honour and Safety, and the Peace and Safety of the Kingdome, that they presume not to raise or leavie any Forces, Hoisemen or Arms, or any Forces whatsoever, by colour of any Authority whatsoever, without Our expresse pleasure signified under Our great Seale (other then such as shall be raised, leavied and hired by the Order, as well of Our Seale, as of both Houses of Parliament, according to an Act made this Session, intituled, An Act for the better raising and leavying of Souldiers for the present defence of the Kingdomes of England and Ireland (by Justices of Peace, and otherwise, in such manner as is prescribed in the said Act) or Contribute, or give any Assistance in Money, Plate, finding of Horses, Hoisemen, or Arms, or any other wayes, to or for any such Preparation, Levie, or Forces: And that such of Our good Subjects, who through Ignorance have been misled to consent or subscribed to any such Levie, Contribution, or Assistance, forthwith, upon publication of this Our Proclamation, desist from continuing such their Contribution or assistance or giving any Countenance to any such Levies, at their utmost perills.

And We do likewise straitly Charge and Command as well all Sheriffs, Justices of Peace, Mayors, Bailiffs, Constables, and all other Our Officers whatsoever. That they use their utmost endeavours, as well for publishing this Our Proclamation, as for the suppressing of all Levies, or Forces raised, or to be raised without or against Our consent: As also all

other Our loving Subjects. That they be attending, Aiding, and Assisting Our said Officers and Ministers therein, & they and every of them will answer it at their utmost perills.

Given at Our Court at *Yorke* the eighteenth day of *June*, in the eighteenth yeere of Our Reigne. 1642.

By the King.

A Proclamation to inform all Our loving Subjects of the Lawfulnessse of Our Commissions of Array, issued into the severall Counties of Our Realm of *England*, and Dominion of *Wales*, and of the use of them: And commanding them to obey our Commissioners therein named, in the execution of their said Commissions.

VVhereas, by the Lawes of this Land, the Ordering and Governing of the Militia of the Kingdome, for the preventing and suppression of all Invasions and Rebellions, hath (as a most knowne and undoubted Right and Prerogative) belonged in all time solely to Our Selfe and Our Progenitors, Kings of *England*. And accordingly We have heretofore awarded Commissions of Lieutenancy into the severall Counties of this Our Realm, for the governing and exercising of the Shout, and Trained Bands there, like as Queen Elizabeth and Our deare Father, both of happy memorie, had done before Us. And therein (amongst other things) gave power to the Commissioners in each Countie, to Leade, call together, Arme, Array, Train, and Muster Our Subjects inhabiting in the said severall Counties, and to Conduct and lead them against all Our Enemies, and all Rebels and Traitors from time to time, as often as need should require.

All which Commissions (although We did, since the beginning of this Parliament, grant the like for the County of *York*, to the now Earle of *Essex*, with the pivity of both Our Houses of Parliament, and without exception from either) have, without hearing any of Our Councell learned, been since Voted in Our said Houses of Parliament to be illegall and void; the reason whereof We have not yet been informed of, nor can imagine: For that neither any illegall Clause (if any such be) in those Commissions, nor any excesse or abuse of their Authority, by any Lieutenants or their Deputes, in raising of moneys, taryng of the Inhabitants, or otherwise could,

by

by Law, make void any such Powers as in themselves were lawfull to be granted and put in execution.

And whereas, in cases of danger and necessity, it had been more suitable to the condition of the times, and the good liking of Our Subjects (who cannot be well pleased with any new wayes, how specious soever) that Our Houses of Parliament should have taken Order that Our Commissions of Lieutenancy (the Course whereof had so long continued) should, for the present, have been put in execution, at leastwise such part thereof as was undeniable and unquestionably legall, and was sufficient for the purposes before mentioned, or that (according to the like Presidents in former times) they would have desired Us to have granted new Commissions of that nature, omitting such clauses as might iustly have been excepted against, which We would not have denied, and not to have called in so suddenly for those Commissions to be cancelled, as was done (though We know not by what Law) in our House of Peers, Yet notwithstanding, Our two Houses of Parliament, in stead of such Our Commissions, under pretence of evident and imminent danger, and urgent and inevitable necessity of putting Our Subjects into a Posture of Defence, have made a late Order for the setting of the Militia, under the name of an Ordinance (which two or thre severall times had been refused by the major part of Peers) and being made, not only without, but against Our Consent (the reasons whereof are sufficiently known to all Our Subjects) is not onely without any one warrantable President of former times (as we beleve) but (as Wee are well assured) void in Law.

Wherefore, out of the care which We have of Our People, lest under the pretence of danger, necessity, and want of Authority from Us to put them into a Military Posture, they should be drawn and engaged in any opposition against Us or Our iust Authority; and that they may know they are by Us otherwise provided for and secured against all iust causes of Feares and Dangers, and from any Force in a legall way (for We are so resolved to rule and governe Our Subjects according to Our known Lawes onely) We have thought fit for the present, hereby thus timely to publish and declare, That We have awarded into the severall Counties of Our Kingdom of England and Dominion of Wales, Our severall Commissions of Array; thereby giving power to severall Persons of Honour, Reputation and Estate in the said Counties, for the safety and defence of Us, Our Kingdom, and Our good Subjects from time to time, as it shall be needfull to Array, Train, Arm, and Muster Our Subjects inhabiting in the said Counties, and in case of imminent danger to conduct and lead them for the destruction of Our Enemies, and in the defence of their Countrey and the Kingdome.

Which power of granting Commissions for the defence of Us and Our Kingdomes, as it is inherent in Us, and inseparable from Our Crown, so it hath been warranted by Presidents of the like Commissions in all Ages, both before and since the grant of the great Charter by King Henry the third, down to the very time that Commissions of Lieutenancie were granted, and was agreed to be legall even by the two learned Judges, Sir George Crook, and Sir Richard Hutton, (amongst all the rest) in their Arguments, which concluded on the Subjects part in Our Exchequer-chamber in Passer Hampdens Case, as by the same (now since printed) may appeare, together with divers particular Records in severall Ages therein mentioned, to which many more may be added.

And in these Our Commissions, to prevent all manner of Exception. We have, in the powers given to Our Commissioners, in all points followed that Commission of Array, which was agreed upon by the King and both Houses of Parliament, after conference with the Judges of the Realm, in the fifth yeere of King Henry the fourth, and was done upon the desire of the Commons, to have some alterations from former Commissions in certaine overstrick Clauses, whereunto neverthelesse no exception was taken for the legalltie, but the Kings Assent acknowledged as an Act of great Grace, as appeareth by the Parliament Rolls of that yeere. Since which time Commissions of Array have frequently issued for prevention of danger, either of Enemies abroad or at home (in both which respects Our Houses of Parliament have voted this Kingdome to be in danger) the same being indeed the old ordinary way for the preservation of the King and Kingdome, who must not delay their preparation till such danger break forth into Action, and so perhaps prove too late. And these Commissions of Array were not discontinued, till by reason of the Commissions of Lieutenancie (which in substance contained the powers given by those Commissions of Array) they came to be of little use.

And, whereas by the Statute of the fourth and fifth yeeres of the Reign of Philip and Mary King and Queen of England, it is enacted, That if any person or persons that shall be commanded generally or specially to muster afoze any such as shall have Authority or Commandment for the same, by or from the King or by any Lieutenant, warden or other person or persons authorized for the same, do willingly absent him or themselves from the same musters, having no true and reasonable excuse of Sicknesse, or other lawfull Impediment, or at their apparence at such musters, do not bring with them such their best furniture, or Array and Armour, as he or they shall then have for his or their own person in readinesse, that such person or persons shall, for every such default and offence, incurre such penalties, and to bee indicted in
such

such manner as by the said Statute are limited. Which Statute is in full force.

We do therefore, by this Our Proclamation, expressly charge and command all Our Sheriffs, Justices of Peace, Mayors, Bailiffs, Constables, and all other Our Officers, and other Our loving Subjects of Our severall Counties of England, and Dominions of Wales respectively, That they bee attending, aiding, assisting, counselling, and at the Commandement of the said Commissioners of Our severall Counties respectively in the execution of their Commissions, as they will answer the contrary at their utmost perils.

And although We can nothing doubt that any of Our loving Subjects shall or will oppose or hinder Our said Commissioners in the Execution of their said Commissions, by putting in Execution any Power touching the Militia, not Warranted by Our Authority, or otherwise disturbing Our said Commissioners in Execution of Our Service, considering the extreme danger wherein such Act may, upon the severall Circumstances by the strict construction of Law, involve them: Yet, lest any ill-affected Persons, too far presuming upon Our Clemencie, and in hope of impunitie or pardon, should dare to offend Us and our Laws, contrary to this Our Proclamation, We do hereby declare to all Our Subjects, That whosoever shall, after this Our Proclamation published, do any thing in opposition of Our Commissioners, by disobeying their Commands, according to Law, or putting in Execution any other Command concerning the Militia of Our Kingdome, contrary to Law. We shall account them unworthy of Our Grace and Mercy, and such as must expect, that Justice (how penall or capitall soever it be) shall be done upon them according to their demerits.

Given at Our Court at Yorke the twentieth day of June, in the eighteenth ycare of Our Reign. 1642.

A Declaration of the Lords and Commons concerning a paper directed by his Majesty to the Lord Major and Sherifs of London, Dated June fourteenth 1642.

V Hereas in a paper inscribed to our trusty and wel-beloyed the Lord Major, Aldermen and Sheriffs of the City of London, dated the fourteenth of June 1642. It is affirmed that great labour is used to perswade his Majesties Subjects to raise horse and to furnish money upon pretence of a Guard for the Parliament, but in truth to be employed against his Majesty,

The Lords and Commons do declare that the designe of those propositions is, as was formerly declared, to maintain the protestant Religion, the Kings authority and person in his Royall dignity, the free course of Justice, the Laws of the Land, the peace of the Kingdom and priviledges of Parliament, against any force which shall oppose them. And they do further declare, that as the forces already attending his Majesty and the preparation which his Majesty is now making of arms, Horse and Ordinance from within his Kingdom and without, at first coloured under the pretence of a Guard, doe evidently appeare to be intended for some great and extraordinary Designe, so they give just cause of feare and jealousie to the Parliament. And do fully justifie those Votes of the Kings intention of levying War against the Parliament, to be altogether free from any imputation of scandall as is injuriously cast upon them by that paper; For so long as his Majesty shall continue those leavies and preparations. The Lords and Commons in Parliament, having been so often threatned and reviled for their proceedings about *Hull*, and the *Militia*, so necessarily undertaken for the good and peace of the Kingdom, they cannot be secured by his Majesties solemn protestation alone, expressed in this and other Declarations, That all his desires and purposes are for the publick peace, and that hee hath not the least thought of using force, except hee be compelled to it for the defence of his person and protection of the laws, seeing his Majesty in a Declaration published at *Heworth More*, doth interpret the protection of the laws in such a manner as giveth just and full occasion to believe, that by protecting the laws, his Majesty intendeth force upon or against those who shal subinit to the Ordinance of the *Militia*: And because it appears by divers expressions & proceedings of his Majesty, hee hath discovered an intimation of making som attempt upon *Hull*. In both which cases they do declare that whatsoever violence shalbe used either against those who exercise the *Militia*, or against *Hull*, they cannot but believe it as done against the Parliament.

And whereas the Houses have upon loane received great summes of money for the service of *Ireland*, from the Companies of the City of *London*, (for which they give them great and hearty thanks) They doe declare that these summes shall be dispended as the former have beene to that only service. Notwithstanding an Insinuation laying an aspersion upon them as if they had done otherwise. Further, whereas it is declared to the great reproach of the Parliament, that the sums desired towards the raising of Horse and arms is contrived upon generall pretences by some few Factionous persons we leave it to the World to judge how it is possible, the Houses should have all their members, seeing divers of them are by his Majesty summoned to *York*, and there contrary to the Lawes of the Land, and priviledges of Parliament detained, nay, protected from the Justice of both Houses.

And

And secondly, how that can possibly be called a Faction which is done by both Houses of Parliament the greatest Court of *England* and the most faithfull Councell his Majesty hath. But at such language as this they wonder not, considering by what wicked counsell his Majesties affairs are guided, and by what malignant spirits his Majesties affections to the Parliament of late have bin misled.

Both Houses well weighing the premisses do forbid any Majors, Sheriffs, Bailiffs, or other Officers whatsoever to publish or spread that paper as they will answer their contempt to the Parliament. And do assure themselves that neither his Majesties commands nor his threats will withdraw or deter men well affected to the publique from doing their dutie, in contributing such money, horse and plate, as will bee necessary for the preserving the being of the Parliament, the peace of the Kingdom, and those other ends before mentioned, for which they are desired. The dangerous and mischievous intentions of some about his Majestie being such, that whatsoever is most precious to men of conscience and honour, as religion, liberty, and publique safety, are like to bee over-whelmed and lost in the generall confusion and calamity of the Kingdom, which will not only question, but overthrow the Charter of the City of *London*, expose the Citizens, their Wives and Children to violence and villany, and leave the wealth of that famous City, as a prey to those desperate and necessitous persons.

The Lords and Commons as they hope by this means those horrid Mischiefs may be prevented: So those of the Citie (which contribute hereunto) (whereof none are so mean and base, as to deserve the reproches cast on them by that paper:) And all his Majesties good Subjects may be assured that in doing their duty herein, they shall be protected and secured in their persons, Liberties, and Estates, by the power and authority of both Houses of Parliament according to their former engagements, which they will ever faithfully perform.

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His Majesties Answer to a Printed Paper, Intituled, A new Declaration of the Lords and Commons in Parliament, of the 21. of June 1642. in Answer to his Majesties Letter, dated the 14. of Iune, and sent to the Lord Major, Aldermen and Sheriffes of the Citie of London.

IT seems by a new Declaration of the 21 of Iune, in answer to Our Letter of the 14 of the same Moneth to the Lord Major of London, that the Lords and Commons in Parliament have much more leasure then they pretend, or that those Persons whom We have before described in Our former Answers and Declarations, and of whom onely We would be understood to speak, think such Declarations and Votes to be such unresistable Engines of Batterie against Vs and the Law, that no strength can oppose them: And therefore though they will take notice from whence that Letter came, they will vouchsafe it no other mention, but of a Paper (as if found by chance) inscribed, *To Our trustie and welbeloved, &c.* And it is wonder, that since they have usurped the Supream Power to themselves, they have not taken upon them the Supream Style too, and directed this very new Declaration, *To their trustie and welbeloved, their Subjects of the Citie of London*; For it is too great and palpable a scorn to perswade them to take up Arms against Our Person, under colour of being loving Subjects to Our Office, and to Destroy Vs, that they may Preserve the King.

They are offended that We should beleieve, That, their end of perswading Our Subjects to raise Horse, and to furnish Money upon pretence of a Guard for the Parliament, is in truth to imploy those Horse, Men and Money against Vs. Let the reasons of Our belief be never so strong, and their Actions never so evident to compell all other men to beleieve so too, The Lords and Commons do declare (think what you will, and see what you can) *That the Designe of those Propositions for raising Men, Horse and Money, is to maintain the Protestant Religion, The Kings Authority and Person in His Royall Dignity, The free course of Iustice, The Lives of the Land, The Peace of the Kingdom, and Priviledges of Parliament against any Force which shall oppose them*: And this all men are bound to beleieve, though they see the Protestant Religion, and the Professours thereof miserably reproached, and in danger of being destroyed by a vicious and Malignant party of Brownists, Anabaptists, and other Sectaries, (the principall Ring leaders of whom have too great a power, even with some Members in both, Our Houses of parliament) Our Authority despised,

despised, and, as much as in them lies, taken from Vs, and reviled in pulpits and presses by persons immediately in their protection, and of their recommendation, and Our person driven away by Tumults and rude multitudes, against whom We can have no Justice; The course of Justice interrupted and stopped by Orders and Injunctions never heard of till this Parliament; The Laws of the Land trampled under foot and frustrated, and new Laws attempted to be made and imposed upon Our Subjects, without and against Our consent; The Peace of the Kingdom shaken and frighted away by discountenancing the Laws, absolving (as much as in them lies) the people from the Rules of Government or Obedience, and even declaring a War against Vs and the Laws of the Land; And lastly, The Priviledges of Parliament so far extended, as if to the bare sound of Priviledge of Parliament, The Liberty and Property of the Subject, the dignity and certainty of the Law were in such subjection, that they may first make what Orders they please, and in what cases they please; And whosoever disputes those Orders, and submits not to those Votes, breaks their Priviledges, and whosoever breaks their Priviledges is an Enemy to the Common-wealth, and worthy of such other Attributes (either of favouring the Rebellion in *Ireland*, or advancing the War here) as are most likely to render that person suspected or odious to the people: If in truth this be evidently and demonstrably the case, such Declarations will no more gain credit with, or longer mis-lead Our Subjects, then if they should tell them, That We are personally with them in *London*, when all men see Vs here at *Tork*,

As they have Declared (the best Argument or Evidence you are to look for) that all that they do is lawfull, because they do it; so they proceed, by the same power, to assure those, who are apt to be deceived by them, that the Force already attending Vs (they would certainly do otherwise if they did really believe such Force to be about Vs) and the Preparation We are making, do evidently appear to be intended for some great and extraordinary designe, and do justify their former Votes of Our intention of leaving War against Our Parliament: And they have at last given some Reason for that Vote and Declaration; They finde by Our severall Declarations That We intend force against those who shall submit to the Ordinance of the *Militia*, and that We intend to make an attempt upon *Hull*: In both which Cases they are pleased to declare, *That whatsoever violence shall be used either against those who exercise this Militia, or against Hull, they cannot but take it as done against the Parliament*. We are beholding to them that they have explained to all Our good Subjects the meaning of their Charge against Vs; That by Our intention of making War against Our Parliament no more is pretended to be meant, but Our Resolution not to submit to the high injustice and in-

dignity of the Ordinance and the businesse of *Hull*. We have never concealed Our intentions in either of those particulars (We wish they would deal as cleerly with Vs) but have alwayes and do now declare, That that pretended Ordinance is against the Law of the Land, against the Liberty and Property of the Subject, destructive to Sovereignty, and therefore not consistent with the very Constitution and Essence of the Kingdom, and to the Right and Priviledge of Parliament; That We are bound by Our Oath (and all Our Subjects are bound by theirs of Allegiance and Supremacie, and their own Protestation lately taken, to assist Vs) to oppose that Ordinance which is put already in execution against Vs, not onely by Training and Arming Our Subjects; but by forceably removing the Magazines from the places trusted by the Counties, to their Own houses, and guarding it there with Armed men; whither it will be next removed and how used by such persons We know not. That the keeping Vs out of *Hull* by Sir *John Hotham* was an Act of high Treason against Vs, and the taking away Our Magazine and Munition from Vs was an Act of Violence upon Vs (by what hands or by whose direction soever it was done) and in both Cases, by the help of God and the Law, We will have Iustice or lose Our life in the requiring it, the which We do not value at that rate as to preserve it with the infamy of suffering Our Self to be robbed and spoiled of that dignity We were borne to. And if it be possible for Our good Subjects to beleve, that such a defence of Our Self, with the utmost power and strength We can raise, *is making a War against the Parliament*, We do not doubt (however it shall please God to dispose of Vs in that Contention) but the Iustice of Our Cause will at the last prevail against those few Malignant Spirits who for their own ends and Ambitious designs have so mislead and corrupted the understandings of Our People, and that both Our houses of Parliament will in short time discern by their own observation and the Information We shall speedily give them, how neer this Flourishing Kingdom is brought to ruine and confusion by these Persons.

And since neither Our Declaration, nor the Testimony of so many of Our Lords now with Vs can procure credit with these Men, but that they proceed to leavy horse, and to raise Money and Arms against Vs; We are not to be blamed, if (after so many gracious expostulations with them upon undeniable Principles of Law and Reason, which they answer onely by voting that which We say to be neither law nor reason, and so proceed actually to levy War upon Vs to justifie that which cannot be otherwise defended) at last We make such Provision, that as We have been driven from *London*, and kept from *Hull*, We may not be surprized at *York*; but in a condition to resist and bring to justice those Men, who would perswade Our People, that their Religion is in danger, because We will not consent it shall be in their
power

power to alter it by their Votes ; or their Liberty in danger, because We will allow no Judge of that Liberty but the known Law of the Land : yet whatever Provision We shall be compelled to make for Our Security, We will be ready to lay down as soon as they shall have revoked the Orders by which they have made Leavies, and submit those persons who have detained Our Towns, carried away Our Arms, and put the *Militia* in execution contrary to Our Proclamation, to that Triall of their Innocence the Law directs, and to which they were born. If this be not submitted to, We shall with as good a Conscience (and We beleeve, We shall not want the affections of Our good Subjects to that end) proceed against those who shall presume to exercise that pretended Ordinance for the *Militia*, and the other who keep Our Town of *Hull* from Vs, as We would resist persons who came to take away Our life or Our Crown from Vs. And therefore We shall again remember and require Our Citie of *London* to obey Our former Commands, and not to be misled by the Orations of those Men (who are made desperate by their Fortunes, or their Fortunes by them) who tell them their Religion, Libertie, and Propertie is to be preserved no other way but by their disloyaltie to Vs ; That they are now at the brink of the river, and may draw their Swords, when nothing pursues them but their own evil consciences. Let them examine what excellent fruits of Religion the lives of those Men have brought forth, and what great Advancers they have been of the Publike Libertie, and Property ; How long they have had those Opinions they would ruine them to defend, and how they came to those Opinions ; Let them consider whether their Estates come to them, and are seled upon them by Orders of both Houses, or by that Law which We Defend ; what Security they can have to enjoy their Own, when they have helped to Rob Vs ; And what an happy Conclusion that Warre is like to have, which is raised to oppresse their Sovereigne ; That the Wealth and Glory of their Citie is not like to be destroyed any other way, but (and that way inevitably it must) by Rebelling against Vs ; nor their Wives and Children to be exposed to violence and villanie, but by those who make their Appetite and Will the Measure and Guide to all their Actions. Let them not fancie to themselves Melancholike apprehensions, which are capable of no satisfaction, but let them seriously consider what security they can have, that they have not under Vs or been offered by Vs ; And whether the Doctrine these men teach, and would have them defend, doth not destroy the foundations upon which their securitie is built.

And We do lastly declare againe, and publish to all the VVorld ; That VVe shall proceed against all Persons whatsoever that shall assist those Leavies, by furnishing of Horse Money and Plate, as against the Disturbers of the Publike Peace and the Authors of those Distractions which threaten the Ruine of Vs and this Kingdom. *FINIS.*

**A Declaration of the Lords and Commons in Parliament,
concerning an illegall Writt sent to the
High Sheriff of *Essex*.**

VV Hereas *Robert Smith* Esquire, now high Sheriff of the County of *Essex*, hath lately received a Writt bearing date the 27 day of *May*. in the eighteenth yeer of his now Majesties Reign, thereby commanding him to publish a Proclamation, whereby all his Majesties Subjects belonging to the Trained Bands or *Militia* of this Kingdome, are forbidden to Raile, March, Muster, or Exercise by vertue of any Order or Ordinance, of one or both Houses of Parliament, without consent or warrant from his Majesty upon paine of punishment according to the Laws. And whereas the said High Sheriff hath now addressed himselfe to both Houses of Parliament, for advice and directions therein concerning the said Proclamation to be contrariant and repugnant to the Ordinance and Judgment of both Houses of Parliament concerning the *Militia*.

It is therefore declared by the Lords and Commons in Parliament (they intending nothing by the said Ordinance, but the protection and security of his Majesties person, the defence of the Kingdom against Forreigne invasion, and preservation of the publike peace against intestine Rebellions and Insurrections here at home, the mayntenance of the priviledges and authority of Parliament according to the Protestation.

That the said Writ is illegall, for that by the constitution and policy of this Kingdom, the King by his Proclamation cannot declare the law contrary to the resolution of any of the inferiour Courts of Justice much lesse against the high Court of parliament. And likewise for that this Writt forbiddeth that to be done which they are obliged unto by their duty to God, their Allegiance to his Majesty, and the trust reposed in them by the Common-wealth, (the Law having intrusted them to provide for the good and safety thereof.) And that the said high Sheriff hath done nothing in forbearing to publish the said proclamation, but according to his duty, and in obedience to the Order of both Houses. And he is hereby required not to publish the said proclamation, or any other proclamations or Declarations of the like nature, that concerne the parliament, without the first acquainting the said Houses.

And it is further declared that the said high Sheriff, and other Sheriffs of other Counties within this Kingdom of *England*, and the Dominion of *Wales* for their obedience to the Orders and Ordinances of parliament; Or that have

or hereafter shall doe any thing in the execution thereof, shall be protected by the power and authority of both the said Houses.

FINIS.

O *Ordered by the Lords and Commons, That this be forthwith Printed.
H. Elfyng Cler. Parl. Dom. Com.*

The Copy of a Warrant from the Kings most Excellent Majesty, directed unto the high Sheriff of the County of York, for summoning of al Gentlemen & others, being protestants, who are charged with Horses for His Majesties Service, or have listd themselves to attend personally for his Majesties security ;
to make their appearance at York on Thursday the seventh of July, 1642.

His Majesty hath given speciall charge, That you speedily give effectuall warning to all Gentlemen within your severall respective Divisions, as also to all who are or heretofore have been charged with horses for his Majesties Service, or have listd themselves to attend personally for his Majesties security, or that are of ability by their estates so to doe ; that they be at York, (all excuses and delays set apart) upon Thursday next being the seventh of July, by ten of the clock before noon : And that such who are obliged by their Subscriptions, or otherwise, bring along with them their horses and furniture accordingly ; and that others not so ingaged or charged (of whose futable affection there is the like perswasion) be here at York the same time and place, where they shall understand his Majesties pleasure : You must also give notice that all such men who appeare that day to be employed for his Majesties Service, be of the protestant Religion ; neither must you fail to be here your selves, and to bring along with you a Schedule of the names of all those to whom you have given such warning, that thereby an accompt may be given of your service herein, and his Majesty be truly informed of all those who give due and ready obedience to these his Summons and Commands. Fail you not hereof at your perill, in a businesse so much concerning his Majesties Service
Dated at York the 30 of June, 1642.

To all Constables, Head-Constables, Bailiffs of Liberties, and Wapentakes their Deputy or Deputies, within the County of York, And to all other His Majesties loyal Subjects whom it may concern.

To the Kings most Excellent Majesty.
The humble Petition of Captain William Booth of
Killingholme in the County of Lincoln.

Sheweth,

THat whereas upon Wednesday, the eighth day of *June* instant, the trained Bands of the Division of *Cusper* Sessions, were summoned by *Francis* Lord *Willoughby* of *Parham*, and the Committee, to appear at *Cusper* before them, contrary to your Majesties proclamation; Your petitioner being there, was informed against by one *Francis Field* and *John Barnard* for reading Your Majesties said proclamation, and sent for, and delivered to a Messenger, and disarmed to his great disgrace in the presence of his own Souldiers, and to the great disheartning of the Countrey from your Majesties service; which said Proclamation was sleighted, and termed a seditious Pamphlet by Sir *Christopher Wray*, who called himself Capitaine of the said Company, which your Petitioner commands under your Majesty; and told the Souldiers hee would live and die with them, and would gladly know who durst oppose their proceedings; further saying, That hee heard that the Earle of *Lindsey* was to be there that day, whom he would be glad to see, for they had a Messenger ready to receive him. All that your Petitioner was then charged with, was, that he had said the day before, That there was a brave appearance of the Trained Bands at *Lincoln*, of some fifteen or sixteen; which was interpreted to be an affront to their proceedings, and was threatned to be further charged at *Lomb*, the next day with businesse of a high Nature, and to have witnesses produced against him face to face; which said witnesses never appeared, your Petitioner being all this while under commitment contrary to Law, which being offered to be argued in point of Law by Sir *Gervase Scroop* in the behalf of your Petitioner, it was answered by Sir *Christopher Wray*, *That they came thither, neither to dispute the Law, nor to be taught the Law, nor did value the Law, but must observe the Orders of the House*; sufficient baile being offered was utterly refused, your Petitioner being still under commitment, and commanded to wait their further pleasures at *Horn-castle* the next day; where, being able to prove nothing against him, they released him.

Your Petitioner therefore humbly desireth, that your Majesty would be graciously pleased to call these men to answer their contempt against your Majesty, and to make satisfaction to your Petitioner for the injury and publique disgrace they have put upon him;

And your Petitioner will daily pray, &c.

York,

York, 30 Jan^y, 1642.

His Majesty hath expressely commanded me to give this
His Answer to this petition.

THat it is not at all strange to Him, That those persons who have ventured to assume a command over the *Militia*, (a Right of His never before separated from the Crown) by direction from those who pretend to this power by the Fundamental Laws, and yet vouchsafe not to shew any one clause of any one Statute, or any one president of any time, which might seem, with the least colour, to give them that Authority, though He hath often pressed them to it, and as little vouchsafe any Answer to the Statutes, or to those multiplied and perpetuall presidents, which clearly and palpably declare that Authority to be in Him, should use that Authority with as much injustice as they have assumed it; And not onely term His legall Proclamation a Seditious Pamphlet (since it is most certain, that if that be not, that they are most seditious) but contrary to the Law of the Land, both ancient and modern, both to *Magna Charta*, and to the Petition of Right, vex and imprison His good Subjects for a legall obedience to His Legall commands, or a Legall disobedience, or disrespect to their illegall Orders and Actions; since He often before foretold, that their Contempt of His Regall Rights and Prerogatives, which are the guard of his Subjects Liberties, would in short time encourage them to destroy those too, when that which should guard them were once destroyed. And as little doth His Majesty wonder that the Insolence of thus violating ancient and knowne Laws should encourage them to that using words proportionable to their actions, and professing (with great truth and ingenuity) *that they value not the Law*. His Majesty nevertheless (not following the example of other men in concluding any thing before examination) is resolved to have the truth of these Allegations legallly examined, and if (as is very probable by the annexed *Affidavit*) they be found true, to provide by all Legall ways, That both His Majesty and the Petitioner may receive full satisfaction for the injuries done to both, and to the Law of the Land; His Majesty professing it the principall Reason of his desire to have justice in the like matters done to Him, that (His just Authority being no longer scorned and vilified) He may be enabled to see it done to others, and that his good Subjects, who are wisely carefull to defend the Law (which is their common Birth-right, and to which onely they owe all they have besides) may not (by unjust and intolerable oppressions) be made Martyrs for it.

Edw. Nichol^{ls}.

Cap-

Captain William Booth of Killingholme, and William Scroop of Little Coats, in the County of Lincoln Gentlemen, make Oath, That the Petition delivered by the said William Booth unto his Majesty, concerning the imprisonment he suffered by the Command of Francis Lord Willoughby of Parham and the rest of the Committees of Parliament for the Countie aforesaid, and all the Actions and Passages therein expressed are most true, in that manner and forme as therein is declared.

Jurat. coram me in Cancellaria Magistro, Decimo Octavo die Junii, Anno Domini, 1642.

W. Wentworth.

P I N I S.

A Declaration of the Lords and Commons assembled in Parliament upon the Statute of 5 H. 4. whereby the Commission of Array is supposed to be warranted.

VV Hereas information hath been given to the Lords and Commons assembled in Parliament that a Commission hath lately issued out under the great Seal of England, directed to the Earls of *Huntington* and *Devon*, *Henry Hastings* Esquire, and others, commanding them to array all men within the County of *Leicester*, according to their estates and abilities, and to charge them with armes at the discretion of the Commissioners, or any three of them; And to distrain all those that are able either in lands or goods to finde armes, and such as by reason of impotency are not able to serve in person to finde men at arms, according to the quantity of their lands and goods; and all such persons so arrayed and armed to cause to be trained and exercised at the pleasure of the said Commissioners, or any three of them, and the persons so arrayed to draw to the Coasts of the Sea, or elsewhere, and such as shall oppose or contradict the same Commission, to commit to prison, and there to detain them untill they shall be delivered by Law. And the said Lords and Commons are further informed, that together with the said Commission, a Letter under his Majesties Hand was directed to the said Commissioners, declaring the legality of the said Commission to be grounded upon a Statute made in the 5 H. 4. not printed, with further instructions to the said Commissioners for putting the same Commission forthwith in execution: and that divers Proclamations did issue forth

forth, endeavouring to justify the legality of that Commission. The tenour of which Commission, you shall finde in folio 346, the Letter in folio 344, the Proclamation and Statute, in folio 373.

The said Lords and Cominons are much aggrieved, and do thinke it strange that his Majesty being still misled by the suggestions of evill Counsellours after so many Declarations and solemne Protestations made to his Parliament and people, of his Resolution to rule and governe by the Laws of the Land, and to keep and mayntain the same: And after so many Declarations made by both Houses of Parliament, of their loyalty and fidelity to his Majesty, and of their faithfull endeavours for the preservation of his Majesties honour and safety, and for the welfare, peace, and happinesse of this Realme, should now be drawn to issue out such a Commission, so contrary to the Laws, and so full of danger and inconveniency to all his Majesties Subjects, which if admitted will be a heavier yoke of bondage upon the people then that of Ship-money, or any other illegall charge which hath been taken away this Parliament. And for that it is pretended that the said Commission is warranted by the said Act of Parliament made in the fifth yeer of King *Henry* the Fourth, The Lords and Commons have taken the same into consideration, and finde that the said Act of Parliament is no ground to warrant that Commission or any other Commission of that nature, and for the more cleer manifestation of the truth thereof, they have caused that Act, as it is entred upon the Record, to be herewith printed, and to declare the Reasons of their Resolutions herein.

By the preamble of that Statute it doth appear, that the sole end thereof was to put out some clauses and words inserted in the Commission, that were grievous and dangerous for the Commissioners, as appeares by these words in the beginning, *viz.* For the many forfeitures and divers other clauses and words comprised in the same, which were very grievous and hurtfull for the Commissioners named in the same Commission in divers Counties of *England*, &c. and these words in the latter end. And that none of the said Commissioners, their Heires, Executors, or Tenants, by reason of any forfeitures or penalties, or any other things comprised, be or hereafter be any way molested, grieved, endamaged, or impeached in any time to come, &c. and the clauses that were cancelled and put out of the said Commission, were only such as concerned the Commissioners, which appeares by comparing the Commission corrected by the Commons with the Commission that then was issued out, which is entred upon the patent Roll, 5 *H.4. par. prima M. 28. dorso*, of which the Commons had a copy delivered unto them, and the clauses contained in the copy delivered them, and cancelled by them were these, *scilicet, Et ad nos & consilium nostrum de numero huiusmodi hominum ad arma & hominum armatorum & sagittariorum nec non de*

roto facto vestro in hac parte sub Sigillis vestris, vel alicujus vestrum. citra O. Stab. S. Hillarii proximi futur. distincte & aperte certificand. sub forisfactur. omnium que nobis forisfacere poteritis & prout vosipsi respondere volueritis de damnis & periculis, si qua per vestrum defectum & negligentiam (quod absit) eveniant. Then in the conclusion, *Scientes pro certo quod si periculum vel damnum regno nostro predicto in partibus illis per inimicos nostros pro defectu arraiationis & defensionis & Ductionis hujusmodi ex tunc (quod absit) evenierit, defectum & periculum hujusmodi vobis & negligentia vestra volumus & debemus reputare & penitus assignare.* And their prayer in conclusion was, that thereafter no Commission of Array might issue out otherwise, nor in other words then were contained in the said copy; and that the Commissioners, their Heirs, or Tenants might not be molested or troubled. So that it is to be observed, the Commons did not desire any amendment or declaration, as to the power of the execution of the Commission, which surely did most concern them and the Kingdom; But touching that, they very well knew that by the Law of the Kingdom, and divers Acts of Parliament then in force, no such power could be exercised over them. For the Statute of Winchester made the 13 E. 1. then in force, did declare the certain proportion of arms every man was to have according to his estate in lands or goods, and the times, and how often their armes were to be viewed, and by whom, and in what manner their defaults were to be punished. The Statute it self followeth in these words, *viz.* And further it is commanded, that every man have in his house, harnesse to keep the peace, after the ancient assize, that is to say, every man betwixt 15 yeers of age, and 40 yeers shall be asselled and sworn to armour according to the quantity of their lands and goods, that is to wit, from 15 pound lands and goods 40 Marks, that is to wit, and Hawberke, a Brest-plate of Iron, a Sword, a Knife, and an Horse, and from ten pound of lands, and twenty Markes of goods, a Hawberke, a Brest-plate of Iron, a Sword; and a Knife; and from five pound lands, a Doublet, a Brest-plate of Iron, a Sword and a Knife; and from forty shillings lands, and more unto five pound of land, a Sword, a Bow and Arrows, and a Knife; and hee that hath lesse then 40 shillings yearly shall be sworne to keepe Gyfarms, Knives, and other lesse weapons; and he that hath lesse then 20 Marks in goods shall have Swords, Knives, and other lesse weapons; and all others that may, shall have Bows and Arrows out of the Forrest, and in the Forrest, Bows and Bolts; and that view of Armour be made every yeere two times; and in all Hundreds and Franchises, two Constables shall be chosen to make the view of Armour; & the Constables aforesaid shall be present before Justices assign'd for such default as they doe see in the Countrey about Armour; and of the suits Towns and of Highways. And also shall present all such as doe lodge strangers

strangers in uplandish Towns, for whom they will not answer. And the Justices shall present also at every Parliament unto the King such defaults as they have found, and the King shall provide remedy therein. And from henceforth let Sheriffs take good heed and Bayliffs within their Franchises, and without, be they higher or lower, that have any Bayliwick, Forrestry in Fee, or otherwise, that they shall follow the Cry with the County, and after, as they are bound to keep Horses, and Armour so to doe. And if there be any that doe not, the defaults shall be presented to the Justices assigned and after by them to the King as before is said, and the King shall provide remedy. And the Statute made in the first yeere of *E. 3. cap. 5. Stat. M. 29.* which followeth in these words. *Item*, the King willeth that no man from henceforth shall be charged to arme himselfe otherwise then hee was wont in the time of his Progenitours Kings of *England*, and that no man be compelled to goe out of his Shire, but where necessity requireth, and sudden comming of strange enemies into the Realm; and then it shall be done as hath been used in times past for the defence of the Realme, declares the Law to the same effect with the former, for here it is declared, no man can be charged with Arms otherwise then as in time of the Kings Progenitors, or compelled to go out of his County, but in case of actuall invasion. And to the same effect is the Statute made *25 E. 3. cap. 8.* which followeth in these words. *Item*, it is accorded and assented that no man shall be constrained to finde men of Armes, Hoblers or Archers, other then those which hold by such services, if it be not by common assent or grant made in Parliament, for that is contrary to the Law of the Realm.

And by another Act of Parliament made *4 H. 4. cap. 13.* the former Acts of *1 E. 3.* and *15 E. 3.* are all confirmed as may appeare by the Statute taken out of the Parliament Roll it selfe, because that the printed Book doth not fully recite it, which followeth in these words, *viz.* To the thrice Excellent, thrice Renowned, and thrice gracious Sovereigne our Lord the King, wee your poore Commons pray, that the Statute made in the first yeere of the Reigne of the Noble King *Edward* your Grandfather, containing, that none shall be distrained to go out of their Counties, but only for the cause of necessity of sudden comming of strange enemies into the Realme. And the Statute made in the *18* yeere of the Reigne of the said Grandfather, That men of Armes, Hoblers and Archers, chosen to go in the Kings service out of *England*, shall be at the Kings wages from the day they doe depart out of the Counties where they were chosen. And also the Statute made in the *25* yeere of the Reigne of the said Grandfather, that none be compelled to finde men of Arms, Hoblers, nor Archers, other then those which hold by such services, unlesse it be by common assent and grant made in Parliament, shall be firmly holden and kept in all points safe

without being broke in any manner; And that none of us the said Commons be distrained to go into *Wales*, or elſewhere out of the Realme, contrary to the forme of the Statutes aforeſaid. And that all the Commiſſions and Writs made contrary to the ſaid Statutes, and all the Indiſtments, and Accuſations, Obligations, and ties made by colour of the ſaid Commiſſions or Writs with all their Dependancies and circumſtances thereof, may be revoked, cancelled, quaſhed and diſannulled for ever, as things made againſt the Law, and that they may not be taken for an example in time to come; And if any of your liege people be imprifoned by force of the ſaid Indiſtments or Accuſations, that they be preſently delivered and the ſaid Indiſtments held void. The King conſenteth to this law with this, that always by force or colour of the ſaid ſupplication, nor of any Statute thereupon to be made, the Lords nor any other that have lands or poſſeſſions in the Country of *Wales*, or in the Marches thereof ſhall in no wiſe be excuſed of their ſervices & devoiers due of their ſaid lands and poſſeſſions, nor of any other devoier or things whereto they or any of them be eſpecially bound to our ſaid Lord the King, though that the ſame Lords and others have other lands and poſſeſſions within the Realme of *England*; nor that the Lords or other of what eſtate or condition ſoever they be, that hold by Eſcuage or other Services due to the King any lands and poſſeſſions within the ſaid Realme, be no way excuſed to do their Services and Devoirs due of the ſaid lands and poſſeſſions; nor that the Lords, Knights, Eſquires, nor other perſons of what eſtate or condition they be, which hold and have of the Grant or Confirmation of our ſaid Lord the King, Lands, Poſſeſſions, Fees, Annuities, Penſions, or other yeerly profits be not excuſed to doe their Services to Our Lord the King, in ſuch manner as they are bound, becauſe of the Lands, Poſſeſſions, Fees, Annuities, Penſions, or Profits aforeſaid. So that the Statutes before mentioned were all confirmed by the Parliament held not full one yeer before this Statute of 5 *H. 4.* And by theſe Acts, it cleerly appeareth, that the King could not by the Law give power to impoſe Arms upon the Subjects, or to compell them to be drawn out of their Counties; and therefore the Commons of the Parliament of 5 *H. 4.* many whereof very probably ſerved in the immediat Parliament before when the Statutes aforeſaid (was confirmed) knew very well that the Commiſſion of Array, then preſented unto them could not bind them that had the Law, and ſtrength of ſo many Acts of Parliament to protect them. But becauſe the former Act of Parliament did provide Remedy only for the perſons that were to be commanded, and not for the Commiſſioners that were to put thoſe commands in Execution, upon very great pains the Commons, for the indemnity of thoſe perſons who under colour of thoſe Commands might probably be troubled and vexed by Fines or Imprifonments,

sonments, thought it necessary to secure them as well as themselves, and therefore prayed that the penall clauses touching the Commissioners might be put out. And though many Commissions of Array did afterwards issue forth in the times of *H.4.H.5.* and *H.6.* Yet did not any issue out agreeable in words and manner with that corrected Commission, as may appear by the Patent Rolls of those times, and the very next Commission that issued out *5 H.4.* which was in time *6 H.4.* and is entred upon the Patent Roll *6 H.4.M. 15 Dors.* did not agree either in word or matter with that of *5 H.4.* and most of the Commissions that afterwards issued vary from that even in substance. And surely had it bin conceived in those times that the form of the Commission agreed upon *5 H.4.* and there entred had beene by that Parliament enacted, they would not have issued out so many Commissions; especially in *6 H.4.* being the next immediate year, of different words and different matter, which clearly made them void by that Statute of *5 H.4.* for the Statute doth ordain them no Commission of Array, should then after issue out otherwise, or in other words, then the Copy agreed upon, whereby all Commissions in other words or other manner issued would be void, and not warranted by that Law, had it enacted that Commission, And that the Law then was, that no other person could be compelled to furnish and provide Arms and Horses, and go out of his County, otherwise then is declared by the afore-recited Acts of Parliament, doth not onely appear by those Statutes, but by severall Acts of Parliament made after *5 H.4.* The Statute made in the fourth and fifth yeere of *Philip and Mary, cap. 2.* Repeals all former Statutes concerning the finding of Arms, and all penalties and forfeitures touching the same, And by that Act settled the proportions of Men, Horses and Armes that every man was to finde, according to the value of their respective estates, and sets down the penalties and forfeitures of such as should disobey, and this Law continued in force till the first yeer of King *Jamer.* But by Statute made that yeer, *Cap. 25.* the last mentioned Statute of *4* and *5 Philip and Mary,* (probably because of the great proportion of Arms it did impose) was Repealed, and by that Repeal the former Statute of *13 E.1.* was againe revived, for that the Statute of *4 & 5 Ph. & M.* that had Repealed that Law was Repealed, and afterwards in the Parliament, *21 Jac. cap. 28.* the Statute of *13 E.1. cap. 6.* and of *33 H.8. cap. 5.* were both of them Repealed. And then admitting the Commission of Array as to finding of Arms *juxta statum & facultates* to be established by *5 H.4.* which might have some colour to be legall, as to that part for finding of Armes grounded upon the Statute of *13 E.1.* for that Statute which then was in force did enact the finding of Armes *juxta statum & facultates* in manner as there is expressed, yet when that Statute of *13 E.1.* is Repealed, then that Commission

is likewise Repealed & become unwarrantable, now it is not probable that the Parliament of the first of King *James* would have Repealed the Statute of 4 & 5 *Ph. & M.* and that of the 21 year of K. *James* would Repeal the Statutes of 13 *E. 1.* & 33 *H. 8.* which in a moderate manner did proportion the Arms every man was to find in certainty, and suffer an Act of Parliament to continue, that did establish a power in the King without limitation, not onely to impose Arms but to command the persons of the Subject at pleasure, for such is the power of the Commission of Array, and they had shewed very little care of their own and the Subjects Liberty, in the Parliament of the first year of King *James* to Repeal the Statute of 4 & 5 *Philip & Mary*, that had Repealed all former Statutes penalties and Forfeitures touching finding of Arms, whereby (without question) the Commission of Array admitting it to be established by Parliament was Repealed, and thereby to revive the power of that Commission which would have subjected the people to far greater bondage. And surely had the Commission of Array beene authorized by Act of Parliament, whereby power is given to charge all sorts of men without distinction with Armes at the discretion of the Commissioners, without limitation, and to train and exercise at pleasure without Restraint either of time or place, It was to little purpose to make the Statute of 4 & 5 *Ph. & Mary. cap. 3.* whereby the penalty of ten days imprisonment, or the payment of forty shillings, is imposed upon such as doe not appeare at Musters being summoned thereunto by the Kings Commissioners authorised for that purpose; and the Commissions of Lord Lieutenants and Deputy-Lieutenants so grievous to the People, and declared illegall in Parliament, had not been so often issued and so much pressed upon them, if the Commission of Array not much differing from it in power, and not at all lesse grievous to the Subject, might by the warrant and authority of the Laws of the Realm have supplied their room. But if all that hath been said had been omitted, the illegality of this Commission is sufficiently cleared by two Statutes made in the Kings Majesties Reigne that now is, the one being the Petition of Right confirmed this Parliament, and the other enacted this present Parliament. For in the Petition of Right the Lords and Commons doe amongst other things set forth that by the good Laws and Statutes of this Realm the Subjects have inherited this freedom that they should not be compelled to contribute to any Tax, Tallage, Aide, or other like charge not set by common consent in Parliament, then they complain that divers charges have been layed, and levied upon the people in severall Counties by Lord Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of Peace, and others, by command, and directions from his Majesty, or his Privy Councell, against the Laws, and free customes of the Realme, so that the Law there declared, was that none could be compelled to contribute to any Tax,

Tax, Tallage, Aide or other like charge, but by consent in Parliament : The breach of that Law to be for that divers charges were laid upon the people by Lords Lieutenants, Commissioners for musters, and others by command or direction from his Majesty, which comprehends the case in question, For here is a Tax or Charge imposed upon the people by compelling them to find Armes ; This Charge is imposed by command and directions from his Majesty, for it is by Commission under the great Seale, and all this without the consent of the Lords and Commons in Parliament, so within the words of the Petition of right, and it is very well knowne, and it doth sufficiently appeare that the charges there mentioned to be layd by Lords Lieutenants, and deputy Lieutenants were the charging of the Subjects with Armes, against Law, by colour of their Commission from his Majesty, The other Statute made this Parliament intituled an Act for the better raising, and levying of Souldiers for the present defence of the Kingdomes of *England*, and *Ireland*, In the preamble declared in these words, *viz* Whereas by the Lawes of this Realm none of his Majesties Subjects ought to be impressed, or compelled to goe out of his County, to serve as a Souldier in the wars except in case of necessity, of the sudden comming in of strange enemies into the Kingdome, or except they bee otherwise bound by the Tenthor of their Lands or possessions.

And that this commission is directly contrary to this Declaration is so evident that it requireth no application : So that upon the whole matter the state of the case in question stands thus.

By divers acts of Parliament made in the times of *King Edward* the first, *King Edward* the third, and confirmed by a Statute in the fourth yeare of *Henry* the fourth, the subject was not compellable to finde any other Armes then was declared by those Statutes, or to goe out of their county, but in case of a tuall invasion by forraigne enemies. And by any expresse clause of the said Statute of confirmation, none of the people were to be distreined to goe into *Wales*, or else where against the forme of the said statutes : And that all the commissions and writs made contrary to the said Statutes, and all Indicements, Accusations, Bonds, and things done by colour of the said commissions, or writs, with all their dependancies, and circumstances, should be revoked, cancelled, quashed and made void for ever. As things done against the Law, and that they should not be drawne in example in time to come : Then in *October* following divers Commissions expressly contrary to those statutes issued out to severall counties of this Realm, in *Hiary* Terme next following that *October*, another Parliament was called, and then a copy of that commission was delivered to the Commons, who complained onely of divers dangerous clauses contained in the same that concerned the Commissioners, for whom no provision at all was made by any the former Acts of Parliament, and those clauses onely

onely put out by the Commons, who desire that no Commission hereafter should issue out otherwise, or in other words then are contained in the said Copy, but take no further care of themselves, knowing very well that as to the power of charging them with Armes, Trayning, and exercising of them, and commanding them out of their Counties, the same was sufficiently provided for the Parliament before, being all within the compasse of a yeare, for that Parliament was summoned in *Michaelmas*, the fourth *Henry* the fourth. And it is to be observed that the Commission of Array awarded before that Parliament, was at or about the very time the Kingdome was invaded by forraigne enemies, The *French* having assaulted the Isle of *Wight*, and burned *Plimouth*, and the *Scots* having entred the North parts of this Kingdome, which probably was the reason the Commons did not complaine against the issuing of that Commission: But as they doe not complaine, so doe they not give it any establishment by Parliament, and the Law thus continued untill the fourth and fifth *Philip* and *Mary*, which repeales all Statutes touching the finding of Armes, and provides for it in a speciall manner, then that Statute of *Philip* and *Mary* was repealed, 1 *Iac.* whereby all the former Lawes were againe revived: Then the Statutes of 13. *Edward* the first, and 33. *Henry* the eighth were repealed by 21 *Iac.* So that the pretence of the legality of the said Commissions endeavoured, to be justified by the afore mentioned Proclamation, doth now appear vain and unwarrantable: And though by the said Proclamation it is alledged, that the power of granting such Commissions for the defence of the King, and Kingdome, is inherent in the Crowne, and warranted by presidents of the like Commissions in all ages; both before and since *Magna Charta*, The Penner of that Proclamation must produce those presidents, and make void divers Acts of Parliament herein before cited that prove the contrary, or surely he cannot expect to bee believed: It is true some presidents hee may produce of Commissions of Array before 5. *Henry* 4. for divers issued out in divers Kings raignes, and for the most part they were warranted by particular Acts of Parliament, for 13. *Ed.* 3. It appeareth by the alm. Roll m. 8. 15. 16. *Dorso*. That divers Commissions of Array did issue, but those Commissions were warranted by an Act of Parliament made that yeare for that purpose, as appears by the Parliament Roll 13. *Ed.* 3. p. 2. *N.* 29. And the next yeere after, divers Commissions of the like nature did issue forth, and a speciall Act of Parliament to warrant the same as appeareth by the Parliament Roll 14. *Ed.* 3. p. 2. *N.* 36. 41. And in the Roll of *Scotland*, 14. *Ed.* 3. *N.* 6. 22. 47. 50. 53. 54. and 14. *Ed.* 3. *M.* 2. *dorso*. But how far this may warrant the legality of the Commission in question, let the world judge, neither can hee finde any opinion of Sir *George Crooke*, or Sir *Richard Hutton* in their Arguments of Master *Hampdens* case, to prove the
the

the legality of the commission in question : And it is much wondred how the penner of that Proclamation, can warrant that commission by the statute of 4. and 5. of *Philip and Mary Cap. 3.* or where in that statute he finds any power to compell men against their wills to, provide Armes to traine, and muster at pleasure, to be commanded out of their counties, and to be imprisoned during pleasure : It is true by that Statute it is ordained, That if any person shall be commanded to muster before any person authorised for the same by commission from the King, do absent himselfe or do not bring with him his best furniture, or Array as he then shall have in readinesse, he shall be imprisoned for 10 daies, or pay 40. s. But the power to charge him with Armes, or to command to exercise, and traine, or to imprison him for his disobedience, during pleasure, the penner of that Proclamation must finde some where else, for he cannot finde it in that Statute, upon all which it followeth, that the commission of Array now lately issued forth is not warranted by any Act of Parliament ; is contrary to the Law, and customes of the Realme, destructive to the liberty, and property of the subject, contrary to the Petition of right, and the said Statute made this present Parliament.

Rotulas Parliamenti tent. apud Westmonasterium in Crastino Sancti Hillarii Anno Regni Regis *Henrici* quarti post conquestum quinto.

Touchant la Commission de Larrue 24.

Item touchant la commission de Larrue pur les plusours forfaitures & autres diverses clauses & paroles comprises en ycell q^e feurent tropp grievou- ses damageoues & perilloues pur les commissioners nomez en mesme la comission es diverses countees Dengleterre dout la copy fust liverree as ditz cōes pur ent estre advisez. & de le corriger solonc. leur ententions mesmes les cōes eue sur ceo deliberation & advys firent canceller certainis clausis & paroles comprisez, en ycelle & prierent au Roy qⁱ desore enavant null comission de Larrui isseroyt autrement, ne autres paroles que nest continuz eu la dicte. copie & qⁱ des ditz comissioners lur heirs Executor. on terre tenants percause daucuns forfaitures on peynes ou aucons autres choses comprisez & la dic. comission soyt ou soient desore au corement loleselev grevez endamagez ou empesches en aucun tempes advenir quel prier nostre dit. Seg^r. le Roy de Ladvis de S^r. ene sur communication ouesque les Iudges du Roialme molt graciousement otroie en Parlement de quel copie le tenure sensuite encestes paroles.

Ecc

Touch.

Touching the Commission of Array 24.

Item, Touching the Commission of Array, for the many forfeitures, and divers other clauses and words comprised in the same, which were very grievous, hurtfull, and dangerous for the Commissioners, named in the same Commission, in divers Counties of *England*; the copy whereof was delivered to the said Commons, to be thereupon advised, and to correct it according to their intentions: The said Commons having had deliberation, and advice upon it, caused certaine clauses and words comprised in the same, to bee cancelled, and prayed the King, that hereafter no Commission of Array issue out, otherwayes, nor in other words than are contained in the said Copy; and that none of the said Commissioners, their Heires, Executors, or Tenants, by reason of any forfeitures, or penalties, or any other things comprised in the said Commission, be, or hereafter be any wayes molested, grieved, indamaged, or impeached in any time to come: Which prayer our Lord the King, by the advice of the Lords, having hereupon communication with the Judges of the Kingdome, most graciously granted in Parliament: Of which Copy the Tenor followeth in these words: *Rex, &c.*

Dilectis & fidelibus suis, Thomæ Sackvill, Johanni Castellon, Johanni Reynes, Johanni Terringham, Rich. Darches, Will. Molins, Joh. Boyk, Edm. Hampden, Simoni Darches, Rogero Dayrell, Roger. Cheyney, Edm. Brudenell, Joh. Barton Seniori, & Rich Wyot, ac vic. nostro Bucks salutem; Sciatis quod cum quidem inimici nostri Regnum nostr. Angliæ cum posse non modico presentibus treaguis non obstantibus jam tardè hostiliter ingressi fuerint, & in diversis partibus ejusdem Regni combusserint nos maliciæ hujusmodi inimicorum nostr. si Regnum nostrum prædict. iterato invadere præsumpserit, quod absit, gratia nobis favente divina, resistere, ac pro salvatione & defensione nostræ ac Regni prædicti & ligeorum nostrorum, ejusdem disponere, & ordinare volentes, ut tenemur assignavimus vos conjunctim & divisim ad arraiand. & triand. omnes & singulos homines ad arma & homines armatos, & sagittas. in Com. præd. comorantes intra libertates & extra, & ad armari faciend. omnes illos qui de corpore sunt potentes & habiles ad armand. qui de suo proprio habent, unde seipfos armari possunt, *viz.* quilibet eorum juxta statum & facultates suas, & ad assidend. & aportionand. juxta avilament. & discretionem vestras, ac etiam ad distringend. omnes illos qui in terris & bonis sunt potentes, & pro debilitate corporum ad laborand. impotentes, ad inveniend. juxta quantitatem terrarum & bonorum suorum, & prout rationabiliter portari poterunt salvo statu suo armaturas hominibus ad arma & hominibus armatis, ad arcus & sagittas ita quod illi qui morabuntur seu morari poterunt ad domum suam propriam in patria sua super defensionem ejusdem Regni contra inimicos nostros si periculum eve-

nist non capiant vadia, nec expensas pro mora sua apud domos suas prædictas,
 & ad dictos homines ad arma ac homines armatos & sagittarios sic arraiatos
 & munitos continue in arraiatione, ut in millenis, centenis, & vicenis, & alias
 prout conveniens fuerit, & necesse teneri & poni faciend. & eos tam ad cosse-
 ram maris quam alia loca, ubi & quoties necesse fuerit ad dictos inimicos no-
 stros expellend. debelland. & destruend. de tempore in tempus cum aliquo
 periculum immineat mandand. & Injungend. & ad moustr' sive ad inconsti-
 tutionem eorundem hominum, ad arma, ac hominum armatorum, ac sagittario-
 rum de tempore in tempus quoties indiguerit diligenter faciend. & superintend.
 ac etiam ad proclamand. ordinand. & diligenter examinand. quod omnes &
 singulos huiusmodi homines ad arma, & homines armati, & sagittarii in mou-
 stris huiusmodi armaturis suis propriis & nō alienis armentur sub poena amissi-
 onis eorundem, exceptis duntaxat illis qui ad expensas aliorum armari debent ut
 prædictum est, & ad omnes & singulos quos in hac parte inveneritis contrarios
 seu rebel' arrestand. & capiend. & eos in prisonis nostris committeud. in eis-
 dem moratur. quousque pro eorum punitione aliter duxerimus ordinand. & i-
 deo vobis & cuilibet vestr' districtius quo possumus super fide & ligeancia qui-
 bus nobis tenemini, injungimus, & mandamus quod statim visis præsentibus
 vos ipsos melius & securius quo poteritis arraiari & parari & coram vobis ad
 certos dies, & loca quos videritis magis competentes & expedientes, & pro po-
 pulo nostro minus damnosos omnes homines in patria commorantes per quos
 arraiatio & munitio huiusmodi melius fieri & compleri poterunt venire & vo-
 care fac' & eos arraiari, armari, & muniti, & eos sic arraiatos & munitos in ar-
 raiatione huiusmodi teneri fac', & insuper signa vocata *Bekys* poni fac' in locis
 consuetis, per quæ gentes patriæ de adventu inimicorum nostrorum poterunt
 congruis temporibus præmuniri; & eisdem homines sic arraiatos & munitos
 cum periculum imminuerit in defensione Regni & Patriæ prædict. de tempore
 in tempus tam ad cosseram maris quam alia loca ubi magis necesse fuerit, duci
 fac', ita quod pro defectu defensionis, arraiationis, sive duitionis dictorum ho-
 minum, vel per negligentiam vestram, damna Patriæ prædict. per inimicos
 nostr. amodo non eveniant ullo modo pro posse vestro. Damus autem univer-
 sis & singulis comitibus, Baronibus, Militibus, Maioribus, Ballivis, Consta-
 bular. Ministris, & aliis fidelibus & ligeis nostris com. prædict. tam infra li-
 bertates quam extra, tenore præsent' firmiter in mandatis quod vobis & cuili-
 bet vestram in omnibus & singulis præmissis faciend. & explend. intendentes
 sint consulentes & auxiliantes, & tibi præfat' Vic' quod ad certos dies & loca
 quos ad hoc ordinaveritis venire fac' coram vobis omnes illos in com. prædict.
 per quos arraiatio, assessio & ordinatio melius poterunt fieri & compleri, & il-
 los quos pro Rebellionem suam capi & arrestari contigerit in prisona nostra custo-
 dias, sicut prædictum est. In cuius rei, &c. T.R. apud Westminst. 20 die Octobris.

His Majesties Answer to the Declaration of both Houses
of Parliament, concerning the Commission of Array.
Of the first of *July*, 1642.

HAVING first received, by the published Votes and Declarations of both Our Houses of Parliament, severall informations of evident and imminent danger unto Our Kingdome, *from Enemies abroad, and at home*, and finding that Our commissions of Lieutenancie (although We did since the beginning of this Parliament grant the like for the countie of *York* to the now Earle of *Essex* with the privy of both Our houses of Parliament, and without exception from either; and that the same was the means for defence of this Kingdome used in the happy times of that good *Queen Elizabeth*, and Our blessed Father, and confirmed as well by the opinions of Judges and Lawyers, as the universall obedience of the Subjects) were all of them, without hearing any of Our Councell learned, voted illegal, and by Our House of Peers called in to be cancelled. And that thereupon Our Kingdome lay open and exposed to all dangerous attempts without other provision then of a late pretended Ordinance of both Our said Houses; which (being made without Us. and contrary to our expresse will declared, and after it had been twice refused in Our House of Peers, and after the departure of a major part of the Peeres) was so far from being a means to prevent danger, that if it should have been admitted, it would in all probability have been the ready way to confusion, and ruine, as being made in an unparliamentarie, unpresidented, and uniuersifiable way, and therefore of a most dangerous consequence, both to Vs and Our people, as well in that particular, as in the Example.

We did therefore, for the avoyding of the perill of delayes and expence of time in disputes, issue forth such Our severall Commissions of Array into Our severall counties, as upon great advice We conceived were not onely secure for, but also might well be most satisfactory unto both Our Houses as being beyond all iust exception in the point of Legality, Danger, or inconvenience, the same having been heretofore most deliberately agreed upon and settled (as We shall herein shew) in, and by the care and wisdom of the Parliament, held in the fifth yeere of King *Henry* the fourth.

And We expected for this our so Princely care of our People, and observance of Our Laws, rather the dutifull thanks of both our Houses. then the return of such an Answer or Declaration as causelesly imputes to this Our so well intended and iustificable an act, not onely (upon mis-construction and mis-application of severall Acts and Declarations in Parliament (the tax of illegality, but also marketh it (upon the mis-representation of divers Powers and

and omission of divers Limitations in Our Commission) with the brand of extreame danger, and inconvenience thereby to Our people, and of an heavier Yoke of Bondage then either that of the late Ship-money, or any other charge taken away this Parliament.

In all which, for the better and further satisfaction of Our well-affected people, and to save them (if possible) from incurring any danger either by obeying that Ordinance, or disobeying our Commissions. (in both which We are resolved to require a strict examination and account) We have taken the paines to examine the said Declaration, and the objections therein against Our Commissions.

And for the better understanding of the severall particular doubts which are now raised thereupon, We hold it necessary in the first place, to set forth the true end of these Commissions, with the severall Powers and Limitations thereof which by this Declaration are drawn into question, together with the severall mis-representations thereof in this Declaration.

The Subiects being of three sorts ; Some having good estates and able bodies ; others, being of good estates, but impotent ; others, able of Body, but not in estate : And the service required, being for the necessary defence of our Kingdome in generall in the time of danger.

The Commissioners are to cause those of the first sort, to Arme themselves according to their degree and estate, (and serving in Person, they are not bound by this Commission, to find Arms for any others.)

Those who (having estates) are not able to serve in person, are to be assessed, and may be distrained to find Arms for others, according to the quantity of their Lands and goods ; But with this Limitation, *prout rationabiliter portare poterunt, & salvo statu suo* ; that is, *that they be charged but moderately, and so as they may live still, according to their former condition.*

As for those of the third sort, who are not able to Arm themselves, by this Commission, as it was altered by common consent in 5.H.4. (for it was otherwise before that time) they are not (as to this matter of Arming) meddled withall.

And therefore this part of the Commission, is mis-represented in the Declaration ; Which supposeth a Power given by this commission, to charge all men *without distinction*, with Arms, *at the discretion* of the Commissioners without limitation ; And those that are able, *to find Arms*, and such as are impotent, *to find men at Arms* according to the quantity of their lands and goods ; And also wholly omits the manner of the charging them, which is *to be moderately, and so as they may still live, according to their former condition.*

The Commission having thus, with equality, and indifferency, charged Our Subjects with provision of Arms, it further provides for their calling together,

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Of the first of *July*, 1642.

HAVING first received, by the published Votes and Declarations of both Our Houses of Parliament, severall informations of evident and imminent danger unto Our Kingdome, *from Enemies abroad, and at home*, and finding that Our commissions of Lieutenancie (although We did since the beginning of this Parliament grant the like for the county of *York* to the now Earle of *Essex* with the privy of both Our houses of Parliament, and without exception from either; and that the same was the means for defence of this Kingdome used in the happy times of that good *Queen Elizabeth*, and Our blessed Father, and confirmed as well by the opinions of Judges and Lawyers, as the universall obedience of the Subjects) were all of them, without hearing any of Our Councell learned, voted illegall, and by Our House of Peers called in to be cancelled. And that thereupon Our Kingdome lay open and exposed to all dangerous attempts without other provision then of a late pretended Ordinance of both Our said Houses; which (being made without Us, and contrary to our expresse will declared, and after it had been twice refused in Our House of Peers, and after the departure of a major part of the Peeres) was so far from being a means to prevent danger, that if it should have been admitted, it would in all probability have been the ready way to confusion, and ruine, as being made in an unparliamentarie, unpresidented, and unjustifiable way, and therefore of a most dangerous consequence, both to Us and Our people, as well in that particular, as in the Example.

We did therefore, for the avoyding of the perill of delayes and expence of time in disputes, issue forth such Our severall Commissions of Array into Our severall counties, as upon great advice We conceived were not onely secure for, but also might well be most satisfactory unto both Our Houses as being beyond all iust exception in the point of Legality, Danger, or inconvenience, the same having been heretofore most deliberately agreed upon and settled (as We shall herein shew) in, and by the care and wisdom of the Parliament, held in the fifth yeere of King *Henry* the fourth.

And We expected for this our so Princely care of our People, and observance of Our Laws, rather the dutifull thanks of both our Houses: then the return of such an Answer or Declaration as causelessly imputes to this Our so well intended and justifiable an act, not onely (upon mis-construction and mis-application of severall Acts and Declarations in Parliament (the tax of illegality, but also marketh it (upon the mis-representation of divers Powers and

and omission of divers Limitations in Our Commission) with the brand of extreame danger, and inconvenience thereby to Our people, and of an heavier Yoke of Bondage then either that of the late Ship-money, or any other charge taken away this Parliament.

In all which, for the better and further satisfaction of Our well-affected people, and to save them (if possible) from incurring any danger either by obeying that Ordinance, or disobeying our Commissions. (in both which We are resolved to require a strict examination and account) We have taken the paines to examine the said Declaration, and the objections therein against Our Commissions.

And for the better understanding of the severall particular doubts which are now raised thereupon, We hold it necessary in the first place, to set forth the true end of these Commissions, with the severall Powers and Limitations thereof which by this Declaration are drawn into question, together with the severall mis-representations thereof in this Declaration.

The Subjects being of three sorts ; Some having good estates and able bodies ; others, being of good estates, but impotent ; others, able of Body, but not in estate : And the service required, being for the necessary defence of our Kingdome in generall in the time of danger.

The Commissioners are to cause those of the first sort, to Arme themselves according to their degree and estate, (and serving in Person, they are not bound by this Commission, to find Arms for any others.)

Those who (having estates) are not able to serve in person, are to be assessed, and may be distrained to find Arms for others, according to the quantity of their Lands and goods ; But with this Limitation, *promt rationabiliter portare poterunt, & salvo statu suo* ; that is, *that they be charged but moderately, and so as they may live still, according to their former condition.*

As for those of the third sort, who are not able to Arm themselves, by this Commission, as it was altered by common consent in 5.H.4. (for it was otherwise before that time) they are not (as to this matter of Arming) medled withall.

And therefore this part of the Commission, is mis-represented in the Declaration ; Which supposeth a Power given by this commission, to charge all men *without distinction*, with Arms, *at the discretion* of the Commissioners without limitation ; And those that are able, *to find Arms*, and such as are impotent, *to find men at Arms* according to the quantity of their lands and goods ; And also wholly omits the manner of the charging them, which is *to be moderately, and so as they may still live, according to their former condition.*

The Commission having thus, with equality, and indifferency, charged Our Subjects with provision of Arms, it further provides for their calling together,

training and exercising, not (as it is in the Declaration) generally at the pleasure of the Commissioners without restraint, either of time or place) But that they shall be called together, *ad certos dies & Loca quas videritis magis competentes & expedientes, & pro populo nostro minus damnosos*; At such times and places, as the Commissioners shall thinke to be most fitting and expedient, and least hurtfull unto the people.

And having thus provided, for the Arming and preparing Our Subjects, for defence of the Kingdome; In the next place, the Commission gives power to the Commissioners, to lead them to the Sea-coast, or elsewhere, but not at the pleasure of the Commissioners (as may be inferred out of the Declaration) not without Limitation (though omitted also in the Declaration) But the Commission provides, That they are to be led to the Sea-coast, or elsewhere, *ubi ne quoties necesse fuerit ad inimicos nostros expellend. debelland. & destruend. cum periculum imminet. At such times and places, as it shall be necessary for the expulsion, vanquishing, and destruction of Our Enemies, when there shall be imminent danger.* And it further provides, in another part of the Commission, That they shall be conducted; *Cum periculum imminerit in defensione regni & patriæ tam ad Costeram Maris quam alia loca ubi magis necesse fuerit.* In case of imminent danger, for defence of the Kingdome and Countrey from time to time, as well to the Sea-coast, as other places where it shall be most necessary.

And although notwithstanding all these limitations and cautions, it be true, That in this charging of Arms, as also for the times and places of calling together Our Subjects, and of conducting or leading them, and the dangers upon which they are to be so conducted and led, much is left to the discretion of the Commissioners (as it must of necessity in all Commissions, where the places times and occasions of execution of them, depend upon future accidents and circumstances, and cannot be certainly known, or described at the time of the issuing of the Commissions.) Yet nevertheless it cannot be inferred thereupon, That therefore Our Commissioners have a meer absolute arbitrary Liberty of Will to do what they please. But that if they shall wilfully and unjustly grieve any of Our good Subjects, in exceeding or not observing Our Limitations or Directions, they are, by Law, cleerely punishable by Indictment for the same. Nor are, or shall any of Our Subjects so grieved be without remedy or relief.

And to the end that every County so far as in Vs lyeth, should have cause to rest the more assured against any evill usage and abuse, By this Commission We have appointed for Commissioners, such as have estates in the severall Counties, and are persons of Honour and Reputation who are not onely engaged to all fairnesse out of their own interest, but also in the concernment of their posterity, Kindred, Alliance, Friends, and Tenants, and the good affecti-

on of their Countrey, which to persons of such Condition as they are, is of a consideration beyond their Fortunes; So that We hope their forwardnesse in undertaking this trouble, for the publike defence, will occasion in Our good Subjects, rather a willing Obedience unto Vs, then the least distrust or lealousie of any of them.

Having thus stated the substance of Our Commission, and prevented that mis-understanding, which this Declaration might have else begotten thereupon; We (in the necessary justification thereof, and vindication of Our own Honour, against those expressions in that Declaration, which so needly do concern Vs (under the Common name of Evill Councillors) as if We had violated Our Laws, even those so lately made; broken Our often Protestations of governing according to Law, and done that which would bring Our people into a slavery) shall now joyn issue with Our two Houses, in every materiall part of their Declaration, both in the consideration of the pretended Danger, Inconveniency, and Illegality.

And herein, first, for the pretended Danger, and Inconveniency so much urged; We do deny.

That this Commission is full of Danger, or Inconveniency to Our Subjects, or will bring an heavier Yoke of Bondage then the Ship-men y, or any other illegall charge, taken away this Parliament; or indeed, any danger or Inconvenience at all.

And therein we appeale to each good mans conscience and reasonable understanding. In a Kingdom (as this is) which in its fundamentall policy (as well for its own assurance, against the danger of Forraign Aids, as the bad use that might be made of great constant Forces (whether forraign or native) must necessarily be defended by it selfe: What other way of defence can be imagined but by the Subject? What more reasonable proportion of charging them can be found? Wherein can the Limitation of the (otherwise Arbitrary) Discretion be bettered? Or how, in any one particular, can a more equall and fitting way be taken for the avoyding the grieving Our good Subjects in their own particulars? Yet withall providing for the defence of Our Kingdom in the generall, then is by this commission?

And We cannot but professe Our wonder, That since (as We shall shew) this very commission, was with so much care, both in respect of the Commissioners and the powers of execution thereof, over the persons to be commanded, allowed, and settled in all points, to the very desires of the people (and that in Parliament) in the fifth yeer of King H. 4. how such Danger, Inconvenience, and Bondage can be by Our two Houses imagined in this act of Ours, without violating that rule, so often urged by them, (though not so properly applyed to them without Vs) That a dishonourable thing ought not to be imagined of the Parliament. And it is as strange to Vs, that all this should hap-

pen by this commission, and yet that Our Subjects should, for so many yeers past, have enjoyed so many happy dayes in the reign of Queen Elizabeth, and Our Father, both of blessed memory, under the provision of *Licentience*, which is agreed by this Declaration to be little differing from those of the commissions of Array in the Powers.

* And lastly, Wee demand, whether the persons appointed over the *Militia* by Our Houses of Parliament, have not, by their pretended Ordinance or Orders, most of those powers; nay, some greater over the Subject, in this matter of the *Militia*, then are in this Commission? and how they themselves can imagine these powers to be of a better nature by their authority, then they are by Ours?

And as to this tax of danger and inconvenience, as in the generall it did require no answer at all, (though for the satisfaction of Our people, We have therein thus enlarged Our selves) so for that particular of the Yoak of Bondage thereby in making it heavier then that of Ship-money, since they have not shewed in what particulars, We shall say no more but this, That by this commission no money at all comes to Vs or to Our dispose, nor is any money appointed to be raised, but onely Arms provided: And the Arms which Our Subjects are charged to bear or finde, are to be their own proper goods (which Sir Richard Huston, in his Argument in print against the Ship-money, well observed, and thereby differenced the providing of Arms and payment of Ship-money) and are provided once for all, and not yearly to be renewed as taxes for money might be, and remain in their own custody, and for their own defence as well as Ours.

We shall now proceed unto the next generall issue, touching the pretended illegality of Our commission of Array, and shall justify the legality thereof by *Common Law* and by the *practice* of former Ages conform to it, and by *Statutes* in the very point against all the severall pretences mentioned in the Declaration, whereunto We shall give particular Answers.

And We shall first begin with the common Law, whereunto the Declaration saith this commission is contrary; and therein affirm.

That this Our Commission is warranted by the very fundamentals of Our Government, and (as We said in Our late Proclamation) the right of issuing thereof is inherent in Our Crown.

For since (as We hope none will deny) the Kingdom must of necessity be ever in readinesse (in time of danger at least) by power of Arms to prevent or suppress Rebellion at home, and Invasion from abroad; and to that end the Subject must be armed and prepared before hand, and conducted after as there shall be occasion; and that this cannot be done without a command or Government, We desire much to know in whom, out of Parliament, (for Parliaments,

liaments are not alwayes, nor can be called at all times, or meet on the sudden) this power can be, but in Vs as the Supream Governour; (as it is in all other States, be the persons of the Governours one or more, according to the form of each State) And can the Supream Governour, according to his duty, and Our Self more particularly, according to Our Oath, otherwise afford Our people that protection which is due unto them in maintaining to them the Laws in the matter of Property and Liberty against private injury or oppression, As well as Our Self, and them, and whatsoever is deer unto any of Vs against Enemies or Rebels, especially the just Rights and Prerogatives of Our Crown wherewith God hath trusted Vs (according to the fundamentall and well-established policy of Our State) as well for the peoples good as Our own honour, both which must be preserved; And will any man say that by calling of Our Parliament, (which is but a meeting of Vs and Our Subjects (and such they continue as well collectively in the two Houses, as they were before singly) and a meeting in its own nature dissolvable at Our pleasure; and though now enlarged by Vs in Time, yet not in Power) We are grown lesse or departed with any thing to them either by way of abdication or communication of Our Royall Power? This upon the common principles of Reason and Government is so obvious to every man, that We shall, for the present, proceed no further therein either by quotations of Acts of Parliament, or other legall authorities (some whereof we have recited in Our late Proclamations) till Our two Houses shall give us some justifiable instance of some good time to the contrary.

We come next to the continuall practice by Vs alleadged (being alone sufficient to declare an originall fundamentall Law of Our Kingdome, or at least by a tacite consent to introduce a Law) and to this purpose We shall shew that the power of *granting Commissions for the defence of the Kingdom* in the generall whereunto onely We applied and do apply the opinions of *Sir Richard Hutton* and *Sir George Crook* (not meaning therein, as neither in Our Proclamation (as is cleerly mistaken) the present form settled by 5. H. 4. (which We Our selves declared was made upon alteration) though for the substance thereof We might have said so much, and made it good, as it appears by the Marginall Quotations) is warranted by the presidents in former Ages.

See the printed Arguments, fol. 29. &c.

See 14. H. 3. in the printed Argument of *Sir George Crook* a Commission to the Bishop of Rochester and others, and to the Sheriffe of Kent, to cause all men

at arms in that County to be sworn, and to assesse them what armes they shall find. And divers other presidents there of Arrays in the times of severall Kings. And see Cl. 14. H. 3. m. 17. Do f. the like to other Commissions And 26. H. 3. (as appears in the History of *Math. Paris* who lived at that time, fol. 264.) *Rex conflictans & generaliter per Angliam tota praecipua fecit acclamari, missis super hoc brevibus ad singulos Comitatus ut secundum prescri-*

stinam Consuetudinem arma civibus competenter assignarentur & monstrarentur & conservarentur ut essent sufficientes, et competentia secundum cujuslibet facultates. The King caused Proclamations to be made (for in such cases Proclamations declaratory were not conceived in those times to be i. legal) and sent Writs into all Counties of England, That (according to ancient custom) arms should be competently ass. ised (or appointed) for the people: And that they should be (mustered) or shewed and inrolled, that they might be sufficient and competent according to every mans estate. And see Pat. 48. H. 3. m. 3. Dors. & m. 7. Dors. Cl. 23. E. 1. m. 5. Cl. 25. E. 1. m. 17. Dors. in cedul. pendente Pat. 31 E. 1. m. 10 Cl. 16. E. 2. part. 1. m. 13. Dors. Pat. 18. E. 2. m. 22. and Rot. Valcon. 18. E. 2. m. 4. 10 27 Cl. 7. E. 3. part. 1. m. 25. Rot. Scot. 10. E. 3. m. 8. Franc. 16. E. 3. m. 5. Cl. 44. E. 3. m. 22. Scot. 7. R. 1. m. 9. Franc. 10. R. 2. m. 14. pat. 4. H. 4. part. 3. m. 10. Dors. And after the Parl. of 5. H. 4. See pat. 7. H. 4. part. 3. m. 31. Dors. 11. H. 4. part. 2. m. 24. Dors. Pat. 5. H. 5. part. 1. m. 37. Dors. Pat. 8. H. 5. m. 17. Dors. Pat. 34. H. 6. m. 8. Dors. Pat. 9. E. 4. part. 1. m. 1. Dors. Pat. 11. E. 4. part. 1. m. 13. Dors. And very many more Commissions of Array in the severall reignes of these Princes. See Lamb. fol. 135. A Law of King Edward the Confessor, *Debet enim universi liberi homines, &c. secundum feudum suum, & secundum tenementa sua arma habere & illa semper prompta conservare ad tuitionem Regni & servitium Dominorum suorum juxta preceptum Domini Regis expendum et poragendum.* And Libr. Rubr. Scaccarii fol. 162. the Conquerours Law in these words, *Statuimus & firmiter precipimus quod omnes Comites & Barones, & Milites & Servientes, et universi liberi homines totius regni nostri praed. habeant & teneant se semper in armis & equis ut decet et oportet, &c.* Upon both which it appears, that every man, as well as the Kings Tenants, ought to have Arms according to his lands, for defence of the Kingdom, at the Kings command. And Hoveden. Pag 614. in Anno 27 H. 2. *Deinde Henricus Rex Angl. fecit hanc assisam de habendis armis in Angl. &c.* King Henry the second made an assise of Arms for defence of the Kingdom according to the difference of mens abilities farre differing from that in 13 E. 1. And see Matth. Paris, fol. 224. A Writ of King John to summon *Omnes liberos homines et servientes vel quicumque sint at de quocunque tenent quia arma habere debent vel arma habere possint, quod sicut, &c. sint apud Doveram ad defendendum caput nostrum, &c. sub panis cultoretagit.*

And this practice, the Penner of this Declaration doth indeed not deny; for having before confessed the often issuing of Commissions of Array, after 5. H. 4. in the times of H. 4. H. 5. and H. 6. (and he might have brought it to later times, if he had so pleased) he doth afterwards confesse, That divers Commissions of Array issued in divers Kings reignes before 5. H. 4. But as to this point of practice before 5. H. 4. he saith by way of Answer, That for the most part they were warranted by particular Acts of Parliament. And yet amongst so many presidents of severall Commissions, hee gives instances
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Having thus set forth the continuall practice of issuing forth Commissions of Array in former ages (whereunto We never found, till now, any exception, as for *home defence*) and the absolute necessity thereof, We doubt not but every indifferent Judgement will easily conceive, that this power is a right in Vs by the Common Law. And the rather, when they shall consider, That a Commission of Array having been issued by the King in 5. H. 4. The Commons in Parliament, that yeere, did not except to any part thereof as *illegall*, no, not to the Clauses which seemed heavy over the Commissioners; nor did except at all to *any the powers of execution thereof over the persons to be commanded*, but did acknowledge the Royall assent, for the amendment, and alteration of that Commission into the now present forme, to be an Act of *great grace*.

And herein We cannot but admire that the Penner of this Declaration should urge it as a reason why the Commons in that Parliament of 5. H. 4. complained not for reliefe against the Commission in the powers of execution over the persons to be commanded, because (as he supposeth) they knew that they were so clearly against the late Statute of 4. H. 4. Whereas (if it had been so) they should the rather have complained, because they issued against so late a Statute so cleere in the point, (unlesse the policy and temper of the times bee since much altered) for in a matter of so high a nature as the powers of this Commission, which (as this Declaration confesseth) did surely most concerne them and the Kingdome. They were bound, as well in duty, as discretion, to have sought remedy against so great a violation of the Law and Liberty; and the rather at this time, when they thought fit to petition against part of the Commission, since an exception but to a part, especially by him, who ought to complain against the whole, is a violent presumption of his allowance of the residue.

We come now more particularly, to the examination of this Our Commission as it stands by Statute-Law, and herein (as in the matter principally insisted upon in the Declaration to be disproved) We do affirm, as formerly in Our Proclamation.

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finam Consuetudinem arma civibus competenter assignarentur & monstrarentur & consueverunt esse sufficienti: et competentia secundum cujuslibet facultates. The King caused Proclamations to be made (for in such cases Proclamations declaratory were not conceived in those times to be illegal) and sent Writs into all Counties of England, That (according to ancient custom) arms should be competently assised (or appointed) for the people: And that they should be (mustered) or shewed and inrolled, that they might be sufficient and competent according to every mans estate. And see Pat. 48. H. 3. m. 3. Dors. & m. 7. Dors. Cl. 23. E. 1. m. 5. Cl. 25. E. 1. m. 17. Dors. in cedula pendente Pat. 31. E. 1. m. 10. Cl. 16. E. 2. part. 1. m. 13. Dors. Pat. 18. E. 2. m. 22. and Rot. Valscon. 18. E. 2. m. 4. 10. 27. Cl. 7. E. 3. part. 1. m. 25. Rot. Scot. 10. E. 3. m. 8. Franc. 26. E. 3. m. 5. Cl. 44. E. 3. m. 22. Scot. 7. R. 1. m. 9. Franc. 10. R. 2. m. 14. pat. 4. H. 4. part. 3. m. 10. Dors. And after the Parl. of 5. H. 4. See pat. 7. H. 4. part. 8. m. 31. Dors. 11. H. 4. part. 2. m. 24. Dors. Pat. 5. H. 5. part. 1. m. 37. Dors. Pat. 8. H. 5. m. 17. Dors. Pat. 34. H. 6. m. 8. Dors. Pat. 9. E. 4. part. 2. m. 1. Dors. Pat. 12. E. 4. part. 1. m. 13. Dors. And very many more Commissions of Array in the severall reignes of these Princes. See Lamb. fol. 135. A Law of King Edward the Confessor, *Debet enim universi liberi homines, &c. secundum feodum suum, & secundum tenementa sua arma habere & illa semper prompta conservare ad tuitionem Regni & servitium Dominorum suorum juxta preceptum Domini Regis expendendum et peragendum.* And Libr. Rubr. Scaccarii fol. 162. the Conquerours Law in these words, *Statuimus & firmiter precipimus quod omnes Comites & Barones, & Milites & Servientes, et universi liberi homines totius regni nostri praed. habeant & teneant se semper in armis & equis ut decet et oportet, &c.* Upon both which it appears, that every man, as well as the Kings Tenants, ought to have Arms according to his lands, for defence of the Kingdom, at the Kings command. And Hoveden. Pag 614. in Anno 27 H. 2. *Deinde Henricus Rex Angl. fecit hanc assisam de habendis armis in Angl. &c.* King Henry the second made an assise of Arms for defence of the Kingdom according to the difference of mens abilities farre differing from that in 13 E. 1. And see *Matth Paris*, fol. 224. A Writ of King John to summon *Omnes liberos homines et servientes vel quicumque sint et de quocunque tenent quatuor habere debeant vel arma habere possint, quod sicut, etc. fiat apud Doveram ad defendendum caput nostrum, etc. sub pana cultrotagit.*

And this practice, the Penner of this Declaration doth indeed not deny; for having before confessed the often issuing of Commissions of Array, after 5. H. 4. in the times of H. 4. H. 5. and H. 6. (and he might have brought it to later times, if he had so pleased) he doth afterwards confesse, That divers Commissions of Array issued in divers Kings reignes before 5. H. 4. But as to this point of practice before 5. H. 4. he saith by way of Answer, That for the most part they were warranted by particular Acts of Parliament. And yet amongst so many presidents of severall Commissions, hee gives instances
 Ro. Parl. 13. E. 3. P. 2. N. 39. Ro. Parl. 14. E. 3. P. 1. N. 53.
 onely of two yeeres in 13. & 14. E. 3. of Commissions of Array then issued, warranted by Act of Parliament. Which, if true, doth no more disprove the legality of other Commissions of Array, constantly issued without a Parliament. then it doth of Commissions of Oyer and Terminer (which at the same time in 14. E. 3. together with the Commissions of Array were appointed to issue to the same persons) or of any other Act, which the King doth by the advice of His Parliament, though he may doe it without them: Rather it implieth the

the legality, and the former usage of such Commissions of Array, in that it appoints such Commissions to issue, but limits not all the particular Clauses or Powers to be inserted therein as a thing known and usuall to be done.

But the truth is, both the presidents do concern the drawing of men out of the kingdom to a forraign War; and so are nothing to the purpose We have in hand. And that of 13. E. 3. is not at all a Commission of Array, but of another nature giving power to the Lord *Wals*, and others to provide monneys, and to cause certain persons there named, who had particularly undertaken the Service of the *Scottish Wars*, *Leur armer & appareiller d'aller vers, Newcastle. To array and prepare themselves to goe to Newcastle*, (whether they were to bee brought at the charge of the Counties) and to be there at a time appointed.

Having thus set forth the continuall practice of issuing forth Commissions of Array in former ages (whereunto We never found, till now, any exception, as for *home defence*) and the absolute necessity thereof, We doubt not but every indifferent Judgement will easily conceive, that this power is a right in Vs by the Common Law. And the rather, when they shall consider, That a Commission of Array having been issued by the King in 5. H. 4. The Commons in Parliament, that yeere, did not except to any part thereof as *illegal*, no, not to the Clauses which seemed heavy over the Commissioners; nor did except at all to *any the powers of execution thereof over the persons to be commanded*, but did acknowledge the Royall assent, for the amendment, and alteration of that Commission into the now present forme, to be an Act of *great grace*.

And herein We cannot but admire that the Penner of this Declaration should urge it as a reason why the Commons in that Parliament of 5. H. 4. complained not for reliefe against the Commission in the powers of execution over the persons to be commanded, because (as he suppoeth) they knew that they were so clearly against the late Statute of 4. H. 4. Whereas (if it had been so) they should the rather have complained, because they issued against so late a Statute so cleere in the point, (unlesse the policy and temper of the times bee since much altered) for in a matter of so high a nature as the powers of this Commission, which (as this Declaration confesseth) did surely most concerne them and the Kingdome. They were bound, as well in duty, as discretion, to have sought remedy against so great a violation of the Law and Liberty; and the rather at this time, when they thought fit to petition against part of the Commission, since an exception but to a part, especially by him, who ought to complain against the whole, is a violent presumption of his allowance of the residue.

We come now more particularly, to the examination of this Our Commission as it stands by Statute-Law, and herein (as in the matter principally insisted upon in the Declaration to be disproved) We do affirm, as formerly in Our Proclamation.

That this Our Commission is warranted by Parliament, in 5. H. 4.

And to this purpose, We do observe; that this Declaration, doth confesse; That the Record in the Parliament of 5. H. 4. concerning the commission of Array, is an act of Parliament; and that the Question is now, onely about the meaning thereof. Whether the Parliament meant thereby, onely to take away *some partall Clauses touching the Commissioners* (as the Declaration affirms, to which purpose, onely it alloweth it for an act) or else to settle also *the Powers of Execution thereof, over the persons to be commanded, as We affirm.*

And therein (as We do agree) that at the first, the complaint of the commons, was onely in respect of *some Clauses and words therein, which were Grievous, and Dangerous to the Commissioners*: So it cannot be denyed, but that afterwards the copie of the commission so complained of, was delivered by the King to the Commons, with an expresse Generall Liberty (without any restraint) to correct it according to their own minds, and thereupon the Commons did make use of that further Liberty, and corrected the Copy, in divers materiall Clauses, and Words which concerned *the Powers of Execution*, as well as those, which concerned the *Commissioners* (though the contrary be strangely affirmed by the Penner of this Declaration) as may appear more particularly by the clauses following, wholly omitted by him.

1 First, the copie gives power, *ad armari faciend. omnes illos qui de corpore sunt potentes & habiles ad armand. tam illos qui de suo proprio habent unde seipfos armare poterunt, quam illos qui non habent unde seipfos armare poterunt.* To cause to be armed, all those who have of their own whereby to arm themselves, as well as those, who have not wherewith of their own to arm themselves. Which last clause, concerning the arming of those, who are able of Body, but not in Estate (being such as are by Vs before reckoned amongst the third sort of Our Subjects) is wholly omitted in this commission, as it now stands corrected in 5. H. 4.

2 The copie, as concerning the asselsing and distraining of all those who are able in their Estates, but not in their Bodies; goes therein thus, *Ad inveniend. juxta quantitatem terrarum & bonorum suorum, & prout rationaliter portare poterunt. salvo statu suo, armaturas hominibus ad arma, & hominibus armatis & arcus & sagittas sagittariis sic arrayatis & triatis. qui non habent armaturas arcus & sagittas de suo proprio, nec unde armaturas arcus & sagittas emere & providere poterunt, & ad contribuend. expensis omnium illorum qui sic laborabunt pro defensione dicti Regni nostri, tam infra dictum Com. nostrum quam extra, quandocumq; indigerit. Ita qd illi qui morabuntur, &c.* For the finding of Arms, according to the quantity of their Lands and Goods; and as they may reasonably beare, saving their degree, for men at Arms, and men Armed; and Bows and Arrows for Archers so Arrayed and trained, which have not Arms, Bows and Arrows of their own, nor have wherewith they can buy and provide Arms, Bows and Arrows; and to contri-
bute

but to the expences of all those which shall so labour for the defence of Our said Kingdom, as well within that Our County as without, whensoever there shall be need. All which, as may appeare upon the comparing, is much beyond that Commission of 5. H. 4. as it was entered after the correction.

Vpon these proceedings in 5. H. 4. the corrected Copie being presented to the King, with a Prayer by the Commons; *That from thenceforth forward, no Commission of Array, should issue otherwise, nor in other Words, then was contained in the Copie so corrected, &c.* An Act was thereupon, made by the Kings Royall assent thereunto, by the advice of the Lords.

And thus upon the whole Record it is cleer, That in the litterall Sence the commission is fully enacted in the whole; and We do not observe that to be denied in the Declaration. And the art of the Penner seems to be spent onely concerning the intent of the Parliament in labouring to prove, That the commons meant nothing in the Act, but the taking away the penall clauses and words concerning the Commissioners. And the Argument is drawn only from the end of the Statute, which the Declaration saith, was onely for the security of the Commissioners: And this the Penner goes about to prove: First, From the Complaint, as being no more; Secondly, From their amendment of the Copie, as being onely concerning the Commissioners. Thirdly, From the Prayer, being to the same purpose. Fourthly, Out of the occasion, as supposing the Act necessary, on the part of the commissioners, not on the part of the persons to bee commanded. Lastly, out of the subsequent practice of issuing Commissions, that there never went out one agreeable with the Copie so corrected.

And herein, to justify this Our sence on this Act of Parliament of 5. H. 4. And withall to shew the errours, and mistakes of the Declaration in the frame of the Argument to the contrary, the state of the case stands thus briefly.

The Commons complained but against the Penall Clauses upon the Commissioners (which We agree) at first; but afterwards, the King left them at liberty to correct the whole, as they pleased. And now they alter their mind, and do not rest in correction of those Penall clauses upon the Commissioners, according to their first desire, but (as it is plain upon the compare of the Copie, as it was corrected, with the Commission formerly issued, the not observing whereof was the great mistake, that doubtlesse now misled Our two Houses) the Commons likewise (as wise men) who would not wave the advantage of a proffered favour from the King, did correct the Commission also in the powers of execution over the persons to bee commanded: And thereupon the corrected copie being presented, and the Commons expecting that even presently (for there was then occasion) and often afterwards Commissions of Array would (as they did in truth) issue forth did pray not onely for the indemnitie of the Commissioners, which

which had been indeed but answerable to the first complaint; But in the first place, they made their Prayer in these words, *That from thenceforth forward, no Commission of Array should issue otherwise, nor in otherwise, nor in other words then is contained in the said Copy* (so corrected).

This now being apparently the true state of the whole case (cleered from all mistakes) wee think it so plain, that it requireth no further argument to manifest, That the intention of the Parliament, was both to settle the Clauses, concerning the powers of execution, and the Clauses concerning the Commissioners. Thus then We passe over to the Answer of the Objections.

First then, for the first pretence, That the complaint was solely on the behalf of the Commissioners, We agree it to be true, and perhaps the Commons had no further thought at the beginning, nor till after an occasion given by the offer of the Liberty for a Totall Reformation: But then they might desire an alteration accordingly.

For the second pretence (which destroyed, makes an end of the question) That the Commons made no amendment in the powers of execution over the persons to be commanded; It is apparently mistaken, as appears by the particular instances before-mentioned.

For the third pretence of the Prayer (which came not till after the Commission was in all points so as before corrected) That the Commons did not desire any amendment or Declaration concerning the Powers of execution, that is also mistaken; For having made those severall amendments, in the very first place (before any particular desired on the behalfe of the Commissioners) their Prayer is as generall as their amendments, *That from thenceforth forward, No Commission should issue otherwise, nor in other words, then is contained in the said Copy.*

For the fourth pretence, That it was unnecessary to take care of the persons to be commanded, because that the Powers of execution over them were against 1 E. 3. cap. 5. 25 E. 3. cap. 8. & 4 H. 4. cap. 13. and that the Commissions of that kinde, were then so lately damned in 4 H. 4. Wee answer, That if it were so, there was the more necessity for them to complain, as we have shewed before. But in this also, though it be needlesse, We shall herein further cleer Our Commission from those Statutes.

As for the occasion of Relief for the Commissioners more then for the persons to be commanded, We say, the Commons could not but know, that there was no more occasion for the one, then for the other: For the same Law of 4 H. 4. if it had (as is pretended by the Declaration,) expressly damned the Commission as unlawfull in the Powers, that (without more) had apparently, to every common Judgment, sufficiently secured the Commissioners against all Refusals; And in truth, the persons to be commanded, being most of them of
the

the lower sort, had more Reason to feare the Commissioners, then the Commissioners, being men of Power, had to fear any trouble by Fine or Imprisonment, or otherwise, from any of the Courts above, especially in a time, when Parliaments were so frequent.

For the last pretence of contrary practice, Our answer is. First, We deny this (which the Declaration affirms) That though many Commissions of Array did issue out after 5 H.4. yet none of them did agree with it in words and matter: For We say, That divers Commissions were the very same, saving in those things which were necessarily, and as of course, to be changed, as (amongst others) may be seen in the after times of King Henry the Fourth. See Pat. 7. H.4. part. 2. m. 31. Dors. Pat. 11. H.4. part. 2. m. 24. Dors.

And as unto the pretended contrary practice, Wee agree, that it is true. Divers Commissions of Array did issue out, which doe vary from this Statute of 5 H.4. yet Wee deny that they must be therefore contrary to it; For (howsoever upon the Commission of 5 H.4. as it was corrected in the severall Clauses in such manner as before) it is enacted that from thenceforth forward no Commission should issue out otherwise then is contained in that Copy, yet it is most evident, notwithstanding, that the meaning of the Law could never be to tye the King to the very words of that Copy; For then at all times the Commissions must have begun with *Rev. &c.* and not *Carolus* or *Regina*, and ended with the same *Tesse* for Time and Place, and just the same preamble of danger, be it true or false (whatsoever other occasion had beene) must have been meant to be expressed; All which are absurd. And in this, as in all Acts of Parliament, as well as in Wills, the intent cleerly and necessarily appearing out of the Act it self, is the Law, which in this case was not so much to tye to the very identicall words, as *That the King should not issue out any Commissions of Array which should exceed this which was so settled by any further penalty on the Commissioners; nor in the powers of execution upon the persons to be commanded;* which sence appears in this, that in such a case it could never have been meant. That the powers of execution of the Commission, being severall, as to Array, Assise, Anne, Train, Muster, and Conduct, and all these not necessary on all occasions, nor always equally fit to be entrusted to the same persons, That the King should be bound at all times unnecessarily to command the execution of them all, and equally to entrust the same persons with them all, as he must have done in case the Act had been literally to be expounded in each title. The truth is, many Commissions did vary, yet still were warranted, as not exceeding that of 5 H.4. in the powers. As sometimes granting but part of them when there was no cause to use all; as also, some varied on the occasion, as sometimes providing against Invasion; in this or that part onely, sometimes more generall throughout the Kingdome:

And

And lastly, it is true that some were upon occasion of Rebellion, for which there is as much cause as against a forraigne Enemy, for those Commissions are not against 5 H.4. which was a president, onely for the power of execution of Commissions of Array (whatsoever might be the necessary occasion to issue them.) And as this particular Commission sent forth in 5 H.4. and thus after corrected, was on the occasion of the feare of the *French*, and therefore was, upon that accident, made onely as against an Enemy; so if according to former practice the like had then issued in case of Rebellion (in which case perhaps Rebellion had been mentioned as the cause) then the suppression of Rebellion might have been inserted in this president, and then the Argument might have been at this day used as well against the warrantableness of this Commission in case of Invasion.

And as to the president of a Commission of Array in 6 H.4. cited in the Declaration as not agreeing with that of 5 H.4. neither in words or matter, We conceive it is in substance warranted by it: For there the King (upon occasion of the *French* being in *Picardy*, ready to besiege some of his Forts there, and hearing that they intended to come to aid the *Welch*, being then in Rebellion) sends out his Commissions into *Kent*, *Somerset*, and other Counties, to Array, Train, and Arme the Inhabitants there, to the end they may be ready, as well at the Sea-coast as elsewhere, where and as often as there shall be necessity for the expelling, vanquishing, and destroying of those enemies when there shall be imminent Danger, as in such case had been accustomed. But he thinks not fit to give to them the power of conducting them (which is in the Commission of 5 H.4.

But shortly after, upon information of an intention of the *Welch* to enter into *England*, a Commission issues to Sir *Thomas Barkley* touching some of these counties and others, not to array and arm the inhabitants, for that was done before, but, *ad supervidendum* to see that they were sufficiently array'd, according to their estates; and to lead them, as often as it should be needfull for resistance of the Rebels. So that as We conceive, the Powers which were put together in 5 H.4. are here severed, but there is nothing in either commission which exceeds or crosses the Powers settled by the commission of 5 H.4. Though if it did, it might prove the illegality of those, but nothing against the legality of Our commissions.

And if other particular commissions had been produced, and the differences particularly observed, We should have been the better able to have applied Our Answer thereunto; And in the mean time, Wee looke upon all such commissions, as regulated and warranted by this Act of 5 H.4. and in pursuance thereof.

Not.

Notwithstanding, if some Commissions can be produced, which are not warranted by the fifth of *Henry* the fourth. Yet that will be no sufficient Argument to prove, That this of the fifth of *Henry* the fourth, never meant to settle the Powers of Execution, for there is no doubt, but in so long a proceſſe of time, as ſince the fifth of *Henry* the fourth, There may have been ſome deviations contrary unto the Act, the ſame having not at all times been remembred, as perhaps alſo may be in the Cauſes concerning the Commiſſioners, which yet We are ſure Our two Houſes will not allow as an Argument againſt the force of 5. *Hen.* 4. as allowing it to be an Act concerning them.

We might further adde the opinion of Sir *Edward Cook*, (whole great learning and affection to the Rights and Liberty of the Subject are not unknown) who in his Treatiſe of the Jurisdiction of Courts (being one of thoſe Books ſince this Parliament deſired, or directed by the Houſe of Commons to be publiſhed) expreſſly declares, cap. That this Act, touching a Commiſſion for Arraying and Muſtering of men, is at this day of force. Jurisdiction of Courts.
Court of Chivalry.

But if any man be yet unſatisfied with ſo cleer Reaſons on Our part, and in Our Answers, We ſhall conclude upon him with the Authoritie of the whole Parliament of the ſeventh of *Henry* the fourth, *Rot. Parl.* 2. 36. within two years after this Our Commiſſion was ſetled, when probably many of the ſame perſons were Members of both the Parliaments, Whereby it appears that this Act of the fifth of *Henry* the fourth, is ſo binding, as unto all the Powers of execution over the Perſons to be commanded, that the Clergy (who in former times had uſed to be Arrayed amongst themſelves by Writ or Commiſſion to the Biſhop or Archbiſhop) were bound, as within the body of that Commiſſion ſo ſetled by Parliament. And they thereupon, In that very Parliament of the ſeventh of *Henry* the fourth, are excepted out of this very Commiſſion of the fifth of *Henry* the fourth, which is therein mentioned; and it was then enacted, That from thenceforth the Clergy be not any wayes charged amongſt the Laity for the making of any ſuch Array, nor for any Contribution amongſt the Laity for the ſame.

Having thus cleerly ſetled this Record of 5. *Hen.* 4. as a full Act of Parliament, as well concerning the Powers of Execution over the Perſons to be commanded, as the taking away of the Penall Clauſes over the Commiſſioners, There is no further neceſſity, as to the matter in queſtion, to conſider whether or no that this Commiſſion in all or any part thereof be contrary to any of the former Acts of 13. *Edw.* 1. 1. *Edw.* 3. cap. 5. 25. *Edw.* 3. cap. 8. and 4. *Hen.* 4. cap. 12. ſo much inſiſted upon in the

DECLARATION. For that in ſuch caſe, the Act of the fifth of

Henry the fourth, being the latter had been a Repeal of them for so much.

Nevertheless, For the further satisfaction of Our people (as being desirous to omit nothing which may be done on Our part for the clearing of the justice of Our Actions) We shall also examine those Statutes so farre as they are made use of in this Declaration.

And therein We profess the difficulty hath been more to finde out then to answer the inference made upon these Statutes. For the Declaration reciteth the Statute of the thirteenth of Edward the first, to be a particular Assize (or Assessment) of Arms, both in respect of the *Kind of Arms* to be found, and the *proportion of the estate* of every man, after which they are to be found, downwards from fifteen pounds in Lands, and forty Marks in Goods: And reciteth the Statute of 1. Edw. 3. That no man from thenceforth shall be charged to arm himself otherwise then he was wont in the time of the Kings Progenitors; and that no man be compelled to go out of his Shire, but where necessity requireth, and sudden coming of strange enemies into the Realm. (whereupon it is taken for granted, That the Statute of 13. Edw. 3. was a provision of Arms for defence extraordinary, and that this Statute of 1. Edw. 3. was meant with reference thereunto) And also reciteth the Statute of the 25. year of Edward the third, (as to be to the same effect with the former) against the constraining men to finde men of Arms, Hoblers, or Archers, withins confines and grants made in Parliament: And lastly, reciteth the Statute of 4. Hen. 4. (which confirms those two Statutes of 1. Edw. 3. and 25. Edw. 3.) And immediately thereupon makes this conclusion which follows; That by these Acts (not distinctly applying the severall matters to the severall Statutes) it clearly appears, That the King could not, by the Law, give power to impose Arms upon the Subjects (which the Declaration calleth sometimes finding of Arms, sometimes finding men at Arms, all of different senses) or to compell them to be drawn out of their Counties: Which afterwards, in Stating the Case, is expressed thus, That the Subject was not compellible to finde any other Arms then was declared by those Statutes, or to go out of their County, but in case of Allsmall Invasion by Forraign Enemies. Against which this Commission is said to be.

But for our clearer passage in this business, We shall single out the severall Statutes, with the Objections (as We conceive) intended upon each of them.

For the better understanding whereof, We shall distinguish of the principall Terms in this question used in the Commission and severall Acts of Parliament.

First then, as for the words of *Arming a mans self* used in the Commission

(as also in the Act of the first of Edward the third) they are literally to be taken for the *providing of Arms for a mans own person*, wherewith he is to serve as a Soldier, either Horse-man or Foot-man, of what kinde soever; And the *finding of Arms for others* in the Commission, is but the finding the bare Arms, without providing the men, and are so to be taken here, (in whatsoever sense they may be taken elsewhere,) as may clearly appear upon the very reading. And as for the words (*finding of men of Arms, &c.*) which are the words used in the Statute of the 25. of Edward the third, they are usually and properly enough taken for the setting forth of Soldiers, the paying of their wages, or contributing towards either of them.

This then being the sense of the words, We now proceed to the Statutes, and apply them to the two objections, The one against imposing Arms, the other against carrying out of the County. And first concerning the Statute of 13. Edw. 1.

Thereupon the Objection against the Power of imposing of Arms is this.

This Statute appoints a particular Assize for the Kindes of Arms and Proportions, and before. But our Commission doth give power to assize for the Kindes (*any Arms*) and for the proportions, *according to each mans ability*, (which the Declaration seems to be *without simulation*, and at pleasure) and so is contrary to this Statute.

To this We Answer, That that Statute of 13. Edw. 1. (which is, that it was but an affirmative Statute) was made only for the ordinary defence of the Kingdom, for the preservation of the peace at ordinary times; and was not intended as a provision of Arms for defence extraordinary: but that for the publique defence in time of danger, the King might, and must charge other Arms, and other proportions, according to the exigency of the occasion.

Both which appear together, if We consider that the provision in that Statute mentioned (which might be of use for the Peace) is very insufficient for the Service of Warre: For we cannot but observe the pettiness of the Arms, even according to the use of that time; for he that was rated highest by that Act, was to finde but a *Hamburge* (which in that place signifies a Gorget), a *broast-plate of Iron*, a *Sword*, a *Knife*, and a *Horse*: and others but *garnes* (which were Pike-staves) *Knives*, and other lesse weapons. And yet at that time there were *men at Arms*, which were Horsemen of compleat Armour, *Hoblers*, which were Light-horse, and there were *Pikes*, *Lances*, *Pole-Axes*, and other Weapons commonly used for Warre.

And it is less considerable is it to this purpose, That for the charge of this

defence no man of what state soever, is by this Act charged above the rate of fifteen Pounds in Lands, or forty Marks in Goods, and he that hath fifteen Pound in Land, or forty Marks in Goods is charged as high as the greatest: which is not to be imagined in case of provision for defence extraordinary.

And to clear this further out of this, and other Acts; it is plain, that this very Act expresseth it self in these words, *That every man have in his house Harnesse for to keep the peace*: and appoints those who are thereby assailed, to pursue Hues and Cries after Thieves and Robbers, (which went in those times with great strength, and in multitudes) *with their Horses and Armour*. And the old Articles of inquiry upon that Statute, being made in the same Kings reign (and to be seen in the Statute Books) tend only to inquiry touching the keeping the peace: as whether all men betwixt the age of fifteen and sixty, be sworn to keep the peace, and whether they have Weapons in their houses according to the quantity of their Lands and Goods for conservation of the Peace, according to the Statute. And the Statute of the second of Edward the third, Chap. 6. renews this Statute of the thirteenth of Edward the first, in these words: *Item, As to the keeping of the peace in time to come, it is ordained and enacted, That the Statutes made in time past, with the Statute of Winchester, shall be observed and kept in every point*. And strange it were to imagine, That the wisdom of a Parliament, in the matter of arming of the Subject, made no greater or better provision against an Enemy, then against a Thief, or a Rogue. And it is not so proper to charge the Subject at all times in the same manner and proportions as in times of danger.

And lastly, For further clearing this Our exposition of that Statute of 13. Edward the first, We say, That although (as We have already shewed) the Commissions of Arrayes did, from the time of making the Statute of 13. Edward the first, frequently issue both before and since the Statute of 5. Henry the fourth; yet none of those Commissions were regulated by the Statute of 13. Edward the first, but either they were (as commonly) for arming them according to mens estates and abilities, without mentioning the Statute of 13. Edward the first. Or, where any did express the quality and proportion of Arms to be found, They varied from the Statute of 13. Edward the first, and appointed other kind of Arms, and disproportioned the estates of those who were to have Arms, otherwise then is mentioned in that Statute: And sometimes with an express Declaration, that the Statute of 13. Edward the first was made for the conservation of the peace in a time of peace, when there was no danger of a foreign enemy. And though some use might be made of those Arms appointed

ted by that Statute in time of danger, as well as any other Weapons: yet the time was not that kinde of armour which was principally intended as fitting for his defence; as may appear by the presidents above cited. And the constant practice in all after ages for defence extraordinary hath ever been with other Arms, and after other Proportions, as We beleeve will not be denied by any man.

We now come to the Statute of 1. *Edward* the third, whereupon the objection stands thus:

That the Statute of 13. *Edward* the first, having made such particular assize of Arms (as before) for the kindes and proportions, this Statute doth ordain, That no man from thenceforth shall be charged to arm himself, otherwise then he was wont in the time of the Kings Progenitors: Meaning (as the Declaration takes it for granted) according to that former Statute of 13. *Edw.* 1.

To this We shall give this Answer: That (as We have proved before) 13. *Edward* the first, was never meant as of a provision for defence extraordinary: and much lesse that the Statute of 1. *Edward* the third, could intend any such thing.

And as the Penner of the Declaration cannot therein shew any expresse reference to that Statute of 13. *Edward* the first, and can, at the most, but barely conjecture it; so on the other side, We shall out of the penning and otherwise upon surer grounds conclude the contrary. For first, in this case, regularly, if not necessarily, (where a latter Statute in the substance and meaning thereof wholly depends upon a former, and must have reference thereunto) the Parliament of 1. *Edward* the third, would have made mention of this Statute of 13. *Edward* the first, (as they did thereof) the next year following, when it was renewed but for keeping of the 2. *Edw.* 3. Peace. Next, in wisdom it was fitting (if so be that they had *chap. 6.* intended a further re-establishment of the particularities of the kindes and proportions of Arms mentioned in 13. *Edward* the first) that when they had a former Statute so punctuall therein, they should not have thus left us, for a true understanding of their meaning, to a generall enquiry of the particular assize used for Arms in former times.

But on the contrary, The Statute referring to the former usage, in the times of the Kings Progenitors (which being indefinitely spoken, We conceive, must be understood of all Kings times as well before as after 13. *Edward* the first) the usage therein meant is but *Consuetudo Angliae*, the Common Law: and the Parliament could not, in all probability, in the mention of so ancient an usage intend so late a Statute as this of 13. *Edward* the first, which was but new in the particularity of the Assize, though

ancient in the Rule of charging, according to the quantities of every mans Lands and Goods, the former Assizes having been also different: Nor (considering that of Necessity, the severall kinds and proportions of Arms ever did, and must vary with the times) could they intend, that there ever was, for the times past, or could be for time to come any such constant rule of any such particular assize concerning Arms, whereunto they could refer, as constantly used for the time past, or that might constantly endure for time to come: neither ever was, or can there be any other constant rule, then that generall rule of the Common Law (which can never fail) for the assizing Arms from time to time, for the kinds, according to the present use, and for proportions, according to mens abilities.

And it were very strange, that the Parliament of 1. *Edw. 3.* could conceive, That (for the defence extraordinary) the particular kinds of Arms in 13. *Edw. 1.* especially such petty provision, could be proper and sufficient at this time in 1. *Edw. 3.* and would so continue afterwards.

And now that We have cleered this first part of the Statute of 1. *Edw. 3.* (as concerning the arming a mans self) that it is not thereby intended, That the Subject should not be charged with Arms, otherwise then according to the Statute of 13. *Edw. 1.* We shall deliver, what Our selves conceive of the meaning thereof: and it is thus.

Towards the end of the Reign of *Edward 2.* severall Commissions of Array issued into severall Counties; in execution whereof the Commissioners had much grieved, and oppressed the Subjects. Insomuch, that upon 19. *Edw. 2.* complaint, speciall Commissions of Oyer and Terminer 27. *Dur.* (usuall in those times) were sent forth for the enquiry after those grievances and oppressions. And although it do not appear what those were, yet since the Complaint was not against the Commissions themselves, as illegall, We cannot conceive otherwise, but that it was against the wilfull ex. esse of the Commissioners, in the surcharging the Subjects with Arms beyond their abilities of estate to bear (as charging a man as a Horse-man, where it had been sufficient for his estate to have borne Armes as a Foot-man, and the like) contrary to the Tenour of the Commission.

But this course producing indeed little effect, in the time of King *Edward* the second, partly out of the favour, which it is likely the Commissioners did find, and partly by reason of the short remainder of His Reign, there was just occasion, both for Complaint, and Relief in this next Parliament of the first of *Edward* the third. And though the particulars of the Petition in the first of *Edward* the third, and the Answer out of which (according to the manner of those times) the Printed Act was made, do not appear, yet the

for the want of the Roll of that Parliament, yet We may well judge thereof upon this occasion, happening within the compasse of about one year before, and thereupon conclude, (as for the true meaning of that Act) That the provision intended to be made, was onely against the exchequer of the Commissioners; which rather justifies, then any way disproves the Lawfulness of such Commission. And so the sence of the Act, applyable to the Complaint, will be, That whereas the Commissioners had over highly taxed the Subjects, the Act provided, That they should not be otherwise charged, then as they had been in the times of former Kings; and (according to Our Commission) moderately, and so as they might live still according to their former condition: As in like case of other Statutes against outrageous, Distresses and Amercia-ments.

And although We take this to be the sence of that Statute, yet if any man shall think this part of the Statute of 1. Edward the third, *Concerning arming a man self*, to be the same with the words of the Statute of 25. Edward the third, *against constraining any man to finde men of Arms, &c.* (which is the sence of this Declaration, which makes both Statutes to be to the same effect, and makes the inference against Our power of imposing Arms upon them both) We shall not contradict him therein, being confident to make it evident, that this Commission is no way contrary to the words or meaning of that Statute of 25. Edw. 3.

But before We come to that Statute, We shall make one Observation upon those Statutes of 13. Edw. 1. and 1. Edw. 3. both together: and thereupon shew, That in the judgement of the whole Parliament of 4. Henry 4. (whose authority is chiefly insisted upon in this Declaration) Our Commission is no way opposed by either of those Statutes: And it is this:

It appeareth, That the lre issuing of the Commissioners complained of i. 4. Henry 4. (which the Declaration supposeth were of the same nature with Our Commission, but We deny it) was the occasion of the Petition of the Commons in that Parliament.

In which Petition, they intending to shew the illegality of those Commissions, and to obtain (as they thereupon did) a confirmation of former Acts to the contrary, do recite the Statute of 25. Edw. 3. 18. Edw. 3. c. 8. and that part of the Statute of 1. Edw. 3. which is against carrying of men out of their Counties; and yet nevertheless they wholly omit this Statute of 13. Edward the first, and this first part of the Statute of 2. Edward the third, concerning the Arming. Whereas it is to be presumed, they would have also recited this Statute of 13. Edward the first, if they had conceived

the same to be (as this Declaration sets it forth) the certain Assize for Arms, and such a Statute whereto all the rest had reference, or any way materiall against any part of these Commissions. But howsoever, making use of the latter part of the Act of 1. *Edward* the third, against carrying of the Subject out of the County, they would have made use also of this part of 1. *Edward* the third concerning the Arming, and desired a confirmation thereof, as well as of the residue, and not thus purposely rejected it, if so be they had not, upon consideration, first resolved that that part of 1. *Edward* the third, was no wayes against the Commission.

And now We come to the Statute of 25. *Edward* the third; whereupon the Objection stands thus:

By the Statute of 25. *Edward* the third, the Subject is not to be constrained to *finde men at Arms*, &c. if it be not by common consent and grant made in Parliament. But by this Commission the Commissioners have power, without consent or grant in Parliament, to command those who are able of body and able to *arm themselves*: and those who are impotent, but able in estate, to *finde Arms* for others; (which the Declaration in some places calls *finde Arms*, and in some places *finde men at Arms*) and is therefore against that Statute.

For this Objection, We need do no more then refer Our selves to Our former observation of the different sence of the severall words of *Arming a mans self*, and *finde Arms* for some other, which are the onely words used in the commands of this Commission, and the words, *finde* of a *man of Arms*, or other compleat Souldier, used in this Statute, and intended to be thereby prohibited: whereby it will be apparent that arming a mans self, or finding bare Arms for others, is not within the Letter of this Statute.

Nevertheless, For a more particular Answer; 1. as to the first of these powers in Our Commission, concerning *arming a mans self*, We say, That this Act being against finding of men at Arms, or other Souldiers, doth not any wayes intend to prohibit the compelling of men to arm themselves, (that is, their own persons.)

For that had been not only against the Common Law, whereof that Act is but declarative, but also against those Statutes of 13. *Edward* the first, (admitting it provided, as the Declaration supposeth, for defence extraordinary) and against 1. *Edward* the third, by both which Statutes it doth cleerly appear, that the Subject is in some manner compellable to arm himself: And the Act of 25. *Edward* the third, is in generall against all finding of men armed at any time. So that in that sence whatsoever the occasion is (though it be upon an actuall invasion of an enemy) he cannot be compelled

to finde arms. And that exposition of the Statute would wholly take away all compulsory means of defence.

Nor will it be sufficient to answer this, That the arming according to those Statutes is assented unto in Parliament, and so is within the exception of the Statute of 25. *Edward* the third. For the consent in Parliament (intended by this exception) must be understood of *future* consent in Parliament, as well as the contraining men to finde Souldiers prohibited by the Act is meant of a *future finding* Souldiers. And in the exception of the Statute of 25. *Edward* the third, there is not only to be a consent, but also a *grant* in Parliament, for so the words are (*if it be not by common consent and grant in Parliament*) but in those Acts of 13. *Edward* the first, and 1. *Edward* the third, there is no colour of a grant made at all. And this Statute being declaratory of the Common Law, as appears by the reason of the Act delivered in the Petition of the Commons in these words, *Car cet est encontre le droit del Realme*. For it is against the right of the Realm, (which is as much as against the Fundamentall liberty of the Subject) this Statute of 25. *Edw.* 3. must be construed as of the Common Law; and before any Statute.

And Secondly, As for the other part of Our Commission, which is concerning the charging those who are impotent in body, but able in state, to finde Arms for others: If such finding of bare Arms had been within the letter of that Statute, or the finding of a compleat Souldier by such a man, had been within Our Commission; yet it would have been a harsh construction, (and doubtlesse contrary to the intention of the makers) by generall words, which were meant only for provision in the generall Case, thus to have spared him in this speciall and particular Case of impotency, from contributing to the Defence of the Kingdom, by finding another, as in his place; whilst he is as much, or more concerned then others; who must undergo as much charge, and must also adventure their own persons.

And by the Common Law, whereof (as We have said) this Statute is but declarative, those who were not fit to bear Arms, were notwithstanding chargeable otherwise towards home-defence, as appears by the Presidents already cited, and many more.

And now We shall give the true sence of this Statute of 25. *Edward* 3. And this will best appear upon the end and occasion of the making; which were these.

King *Edward* the third, having had his Treasure exhausted by the French Warres, was upon that occasion, inforced to many hard pressures upon His Subjects; So that they had severall times been charged, with providing and setting forth

P. 18 Ed. 3. Rot. Pol. 11. 10. E. 3. Rot. Pol. 11. 11. and others of that time.

of Souldiers; and sometimes with maintaining or paying of them: and this in so excessive a manner, as that it cost a County sometimes at once a thousand pound; And all this was done with relation onely to a forraign Warre, wherein the Title of the King to *France* was onely in question: and nothing which directly concerned the Kingdom of *England*: against these there was just cause, to make provision by some Law; especially now when the Warres were renewing: And accordingly this Statute was made against imposing such charges upon the Subjects.

And what resemblance there is between those cases, and Our Case, of charging the Subjects onely to finde Arms for themselves, or (in case of impotency) for another (as in their stead) and all but for home defence, We refer to every mans Judgement.

And thus We leave these three Statutes of the thirteenth of *Edward* the first, the first of *Edward* the third, and the twenty five of *Edward* the third, with this observation, that if it be true, (which the Declaration takes for granted) that they are all to the same effect, that then Our Answer to any of these three is an Answer to the rest.

We are now come to 4. *Hen. 4.* being the last of these Statutes, which (in the matter of Arming) are objected against Our Commission, as it stood at Common Law, before 5. *Hen. 4.*

And herein We agree, That the Parliament Roll, whereupon the Statute is framed, is truly set forth in the Declaration: yet We conceive that, in Substance, there is no more upon the Roll, then in the Print; though some passages may give some light for the exposition of these other Statutes of the first of *Edward* the third, and twenty five of *Edward* the third, therein confirmed.

So as this Statute of 4. *Henry* the fourth, being in truth, but an Act of bare confirmation, without any additionall explanation, is already answered.

But because the Declaration doth import, That the Commissions (which issued lately before 4. *Hen. 4.* and were the occasion of that Statute, and are damned thereby, as contrary to the Acts of 1. *Edw. 3.* 18. *Edw. 3.* and 25. *Edw. 3.*) were of the nature of Our Commission, (which yet is not indeavoured to be proved) We shall also give a particular Answer touching those Commissions.

And herein We say, That first it doth not appear, nor is there any reason to presume that any of those Commissions were of the Tenor of Ours; And in case those Commissions did, amongst other Powers, contain also the Powers of Our Commission, touching the imposing Arms upon the Subject, it doth not appear that those Commissions were particularly in those

those very powers held unlawfull. Both which must (but neither will) be proved, otherwise there can be no application.

But the truth is apparently to be inferred out of the Roll, That upon those Commissions the Subjects were enforced to go, or to finde others to go at their own charges, not only out of their proper Counties, but also (upon occasion of some insurrections) into *Wales*, which at that time and (untill the Act of Union 27. Hen. 8.) was to some purpose, at least Commonly reputed a distinct Dominion; as appears even by this Parliament Roll, in these words, That none of the said Commons be distrained to go into *Wales*, or elsewhere out of the Realm, and otherwise: (the usuall phrase in severall Acts of Parliament, being also to this day, the Kingdom of *England*, and Dominion of *Wales*.) And such a Commission, We may well admit to be against all these three Statutes, without impeachment of Ours.

9 Hen. 4. R. Parl.
c. 17. 6. Hen. 4.
R. Parl. ann. 9.
1 H. 5. R. Parl. n.
27. 2 H. 4. C. 10.
Stat. 2 H. 4. c. 20.

We shall say no more as to this Statute single, but that (as We have observed before) both in the Parliament Roll, and printed Act, the first Clause of 1. Edw. 3. concerning Arming, being purposely omitted, it shews that the meer matter of causing the Subject to be Armed, was not the grievance then complained of, or meant to be redressed.

Having thus farre proceeded in Our particular Answers unto the severall Statutes of 13. Edw. 1. 1. Edw. 3. 25. Edw. 3. and 4. Hen. 4. as they were applyable to the first objection made upon them, against Our imposing of Arms upon the Subject. We shall, in the next place, proceed to the Answer of the other Objection, made against Our Commission, upon the Statutes of 1. Edward 3. and 4. Henry 4. of Confirmation: (For as to the other Statutes of 13. Edward 1. and 25. Edward 3. We do not conceive, that they are or can be meant unto this purpose.) Hereupon the Objection is this;

That by the Statute of 1. Edward 3. and 4. Henry 4. the Subject is not compellable to go out of His County; but in case of the sudden coming of an Enemy, which the Declaration interprets of an actuall Invasion: But this Commission gives Power, not onely to compell the Subject to go out of his County before an actuall invasion (as the case is put in the stating of it) but (as it is expressed in other parts of the Declaration) without Limitation, and at pleasure.

To this Objection Our Answer is; That both the sence of the Statutes, and of the Powers of Our Commission are mistaken. For firstly (as We have before stated it) Our Commission gives that Power of conducting out of the County, onely against an Enemy, and for defence of the Countrey, in case of imminent Danger, and but when and where it shall be most needfull; (And so not without limitation and at pleasure.)

And secondly, as to the sence of the Statutes, We do deny that the Subject is not compellable to go out of his County, unlesse in case of an actuall invasion, by a forraign Enemy.

And herein, Though We have not upon this Commission necessary occasion to dispute it; yet We cannot but observe, That the Declaration allows of no necessity of compelling the Subject out of the proper County, in case of actuall rebellion, and onely against a forraign Enemy, the ground whereof is a mistake (in recitall of the Statute of the first of *Edward* the third, by the Act of confirmation of 4. *Henry* 4.) of the word, *And* between the two words, *necessity* and *sudden coming*. The Act of 1. *Edward* 3. going thus, That no man be distrained to go out of his County, but where necessity requireth, and sudden coming of strange enemies into the Realm. And the Act of 4. *Henry* 4. (which as We have before observed, reciteth not the whole Statute of 1. *Edward* 3. but so much thereof, as upon occasion of the late forraign service did then concern the present complaint) being in these words, That none shall be distrained to go out of their County, but only for the cause of necessity (*Of*) sudden coming of strange enemies into the Realm.

Whereas, If in this recitall the word (*And*) had been put in place of the word *Of*, or before it, both had agreed, and so the sence of the Statute, as to this matter of going out of the County, had been upon the fourth of *Henry* the fourth, as it is upon the first of *Edward* the third, *That no man be compelled to go out of the County, but in case of necessity or coming of enemies*: the word (*And*) in exposition of Statutes being most frequently taken for (*Or*) according to the Subject matter, and so the Statute had excepted two cases, necessity arising from within (by actuall rebellion) and necessity arising from abroad (by sudden coming of strange enemies:) this exception in both being absolutely necessary for defence of the Realm; and according to the Common Law (of which the Statute is but declarative) and the practice both before and since. And indeed it could be no otherwise in property of speech; for there cannot be a cause of necessity of the sudden coming of enemies, but there is a necessity of defence against their coming.

And in this case We are to be guided by the Statute of the first of *Edward* the third, as it was Originally, as it is also truly set forth in the Declaration, and agrees with all printed Statutes both in English and French, and ancient Manuscripts, all of them derived from the Originall Statute Roll which was lost before 4. *Henry* 4. (that which now remains being but a Transcript of a Transcript.)

Thus then, without more, We shall apply Our selves to the Objection

as it is made upon the words of the first of *Edward the third*, both in the Originall and the Recitall. And We say, That the Subject is compellable to go out of his County for the defence of the Kingdom, as necessity shall require, before the Landing or other Entry of the Enemy, to prevent his Landing or Entry.

And for this We shall but recite the words again; And they are these, *That no man be compelled to go out of his County, but where necessity requireth and sudden coming of strange enemies into the Realm.*

Wherein it seems to Us most plain, That these words require no such Actvall Landing, or Entry of an Enemy into the Kingdom, before the Subject is Compellable out of his County. For the words of the Act are not (as to this point) when the Enemy is come, but upon the coming, not within the Realm, but into the Realm. And all men know, that in ordinary Speech, a man may be said to be coming into a place when he is upon a remove to a place; but most properly, when he is on his way, especially when he approacheth, with an intention to enter thereinto, and in such sence these words of coming into the Realm must be taken, in this Statute.

But in case the words (*of the enemies coming into the Realm*) might bear a doubtfull interpretation, that sence must be taken, which agrees with the Common Law before practised, whereof this Act is but Declarative, and the constant practice of all ages since, that is, That the Subjects have ever been commanded, and gone out of the County against the Enemy before any Landing or Entry.

And to give this Statute of the first of *Edward the third*, any other sence were against all Common reason, and the rules of government and defence; which is, not to let the Enemy first come in, if it be possible to keep him out; and it may be much more ease to prevent the coming in to the Land, (especially by Sea, in opposing the Landing) then afterwards to expell him. And it cannot be expected, that the Forces of one County alone, should be able to resist the entry of a powerfull Enemy.

And lastly, as for those Commissions, which were damned in 4. *Henry the fourth*, those had no resemblance to Our Case, nor are warranted by the Exception of 1. *Edward the third*; For that (as appears before) the Subject was then carried out of the County not for defence of the Kingdom, as the Exception of this Statute requires, but for suppression of an Insurrection in *Wales*, which was not then taken as part of the Realm; and the Prayer of the Commons in 4. *Henry the fourth*, made upon that Occasion, and therein grounded upon, in the first of *Edward the third*, was not merely because they were carried out of the Counties, but because they were carried out.

out of the Realm in a Service, which was not for the necessary defence thereof.

We have thus farre, upon this last head of Our discourse, onely answered the Objections made upon these Statutes of the thirteenth of *Edward* the first, the first of *Edward* third, the twenty fifth of *Edward* the third, and the fourth of *Henry* the fourth. We shall now conclude this part of Our Answer, with a return of all those Statutes against the Declaration, and in justification of Our Commission.

First, as concerning 13. *Edward* 1. since that (as We have before observed) the Statute was made onely with relation to the keeping of the peace, it implies, that there is another rule in the matter of imposing of Arms for defence extraordinary.

Secondly, as for 1. *Edward* 3. (besides Our former observation, That in all probability, the Act was made but upon Complaint against the excess of charging by the Commissioners, and not against the powers of that Commission, which had lately before issued, which rather justifies the Commission then otherwise.) We further say, That if We should admit, that the Statute of 1. *Edward* 3. *That no man should be charged to arm himself, otherwise then he was wont in the time of the Kings Progenitors*, hath any relation unto 13. *Edward* 1. and that so the sence thereof were, That none should be compelled to finde Arms, otherwise then according to that Statute of 13. *Edward* the first. Yet then that Statute of 1. *Edward* the third, (as tis plain) must be meant only as concerning ordinary defence; and that as the Subject is in case of necessity to be carried out of the County, So in that case he may be compelled to be Armed otherwise then at ordinary times.

To this purpose We note, that in the Statute there are two distinct propositions joyned together, one against the Arming of the Subject, the other against going out of the County; And the clause which is next subjoyned is an exception *Sinon pour cause de necessite, &c. Unless it be for necessity, and the sudden coming of strange enemies*. Which exception, upon such admittance, is not onely applyable to that last clause before, concerning the going out of the County, but as to the Arming: The sence thereupon also being thus; That though in case of ordinary defence, the Subject be not compellable to bear other Arms then according to the thirteenth of *Edward* the first, as neither to go out of the proper County; yet for the extraordinary defence of the Kingdom, in case of necessity (wherein more must be done then ordinarily) both, Arms are to be imposed by other rules then in thirteenth of *Edward* the first, and also the Subjects are to go out of the County; For so it followeth in the next words of the Act; which
are

are theſt, And then it ſhall be done, as hath been uſed in times paſt, for the defence of the Realm. And this ſence, upon this admittance, cleerly appeareth out of the courſe of former times in ſuch caſes, to which the Statute doth referre.

As for 25. *Edward* the third (beſides that the Declaration ſaith it is to the ſame effect with 1. *Edward* the third, and was made with relation to a forraign Warre, as We have obſerved,) if (as the Declaration muſt admit) that the exception of finding men at Arms, &c. by Common conſent, and in Parliament, be intended as well of Acts of Parliament paſt as to come, then Our Commiſſion, in the power of impoſing Arms, being warranted by the firſt of *Edward* the third, is alſo warranted by that Act of 25. *Edward* the third.

And for 4. *Henry* 4. (beſides what We have before obſerved, upon the Commiſſion therein of the firſt part of the firſt of *Edward* the third, concerning impoſing of Arms, and that it applyes, 25. *Edward* 3. but to a forraign warre) the generall ſence, and Judgement of that Parliament, excepting then onely againſt other Commiſſions, ſeems to allow of this; for that otherwiſe, it is not to be imagined, that immediately in the ſame year, there ſhould iſſue our a Commiſſion of Array, and in the next year, there ſhould iſſue out that other which was corrected in 5. *Henry* 4. both of the ſame form, and the latter bearing Teſte the day of the Sum-
4. Hen. 4. Rot.
Parl. part.
2. m. 10.
 mons of the Parliament of 5. *Henry* 4. And that at that Parliament, though ſome amendments were made in it, yet no exception ſhould be taken to the legality of the powers: whileſt (as the Declaration obſerves) it is probable, That many of the Houſe of Commons, and it is certain that moſt of the Houſe of Lords, were Members of the Parliament of 4. *Henry* 4. and knew the meaning thereof.

And thus We have answered to the full ſatisfaction, (as We hope) of all Indifferent Judgements, the ſeverall Objections made againſt the legality of Our Commiſſion of Array as it ſtood before, and at the making of the Act of 5. *Henry* 4. and thereby proved, That Our Commiſſion was warranted by the Common Law, That the powers thereof remain untouched by the Statutes of 1. *Edward* 3. 25. *Edward* 3. or 4. *Henry* 4. And that it was afterwards allowed and ſetled (as a rule or pattern, whereby Commiſſions ſhould iſſue in after ages) by the Act of Parliament of the fifth of *Henry* the fourth.

We have yet ſome other Objections in Our way, which admitting the legality of Our Commiſſion as it ſtood in 5. *Henry* the 4. are made againſt it upon ſome latter Acts.

The firſt in time is upon the Statute of 4. and 5. *P. & M. cap. 4.* which ſetles

settles an assize and proportion of Men, Horses, and Arms, which every man was to finde; which the Declaration saith was *without Question*, a repeal of this Statute of 5. Henry 4. And accordingly, We shall take that first into consideration, For though upon the repeal of that Statute by 1. Jac. cap. 25. the Declaration agrees, That Our Commission, if once setled by 5. Henry 4. is now again in force, yet an inference is made from thence; That the Parliament of 1. Jac. would never have repealed that Statute of 4 & 5. P. & M. if they had thought that any such power of imposing Arms, as is in the Commission, would have been thereupon revived.

The words of the Statute of 4. & 5. P. & M. cap. 2. are these. *Be it enacted, &c. That as much of all and every Act and Statute concerning onely the keeping or finding of Horse, Horses, or Armour, or any of them heretofore made and provided, and all and every forfeiture or penalty concerning onely the same, shall be from henceforth utterly void, repealed, and of none effect.*

To this We say, first, that 4. & 5. Phil. & Mar. doth not repeal 5. Hen. 4. either by the words or meaning.

As to the words, They extend onely to a repeal of such Acts which do appoint particular Assizes (or Assessments) of Arms: all which upon that Statute of 4. & 5. Phil. & Mar. (which appoints a new Assize for kinde of Arms and proportions) would be either contrary or altogether uselesse. And to that purpose the Statute speaks of repealing of Acts concerning keeping or finding of Horse, Horses, or Armour, which, as it must be meant of Acts concerning keeping or finding of Horses in particular for kinde or number; So as concerning (Armour) in generall, it must, by the constant Rules of construction of Statutes, be meant of Acts of the like nature as the former, that is, Acts concerning the appointment of some particular Armours, as a Gorget, a Brest-plate, and the like, such as were the Statute of the thirteenth of Edward the first, and in the thirty three of Henry the eighth.

But this Statute of 5. Henry 4. is nothing concerning the appointment of any particulars, either for the kinde of Arms or proportions: but doth onely enact a Commission issuable, without commanding that it shall issue, which is referred to the Kings pleasure (upon a lawfull occasion.) Nor doth the Commission it self mention (as is apparent) any particularity of Arms or proportions.

And if the Statute of 4. & 5. Ph. & Mar. were meant of such Statutes, as speak of finding Arms in generall, it had as well repealed the Statutes of 1 Ed. 3. 25. Ed. 3. and 4 Hen. 4. as this Act of 5. Hen. 4. which no man will say was ever intended.

But in truth, This Commission being in generall, doth no wayes contrary this Statute of *Phil. & Mar.* but that the particulars of the Assessement by that Act, both for the severall Kinds of Armes and proportions, might have been very well put in Execution by this Commission.

For the Commission gives power to assele every man *juxta statum & facultates*, According to his degree and ability. And this Parliament of 4 and 5. *Phil. and Mar.* appointing Arms fitting for defence of the King, down in those times, and proportions fitting (in their Judgements) for the severall degrees and abilities of every man; That Act did not thereby take away the power of the Commissioners wholly, but did onely give particular rules for the kinde of Arms and proportions, which the Commissioners were to observe in the execution of their power, thereby onely regulating, but not destroying their powers.

And if this Statute of 4 and 5. *Phil. and Mar.* had taken away the first Powers of the Commissioners concerning arming, yet had it not taken away the other severall and independent Powers of Arraying, Training, Mustering, or Conducting those men so furnished according to that Statute, but that they had remained to have been executed (at least by a distinct Commission which might have been issued at pleasure for that purpose.)

And this also appears by the Statute of the same Parliament of 4. and 5. *Phil. and Mar. cap. 3.* (which is in force at this day) which being concerning mustering, hath occasion to mention, and doth expresse the old power still remaining to issue Commissions of that nature; in these words, *That if any person that shall be commanded at any time hereafter generally or especially to muster afore any such who shall have authority or commandment for the same, by, or from the King or Queens Majesty, or the heirs or successors of the Queens Majesty, or by any Lieutenant, &c. do absent himself, or at his appearance do not bring his best furniture of Array and Armes, as he shall then have for his person in readinesse, shall be imprisoned, &c.*

But neither by that nor the other Statute of *Phil. and Mar. cap. 2.* is there any new authority given to the King to grant Commissions for Musters, but the same is admitted to continue as not repealed, And as to that point of appearing at Musters, We made use of that Statute of 4. and 5. *Phil. and Mar. cap. 3.* in Our Proclamation: And do wonder how the Penner of that DECLARATION could imagine, We meant any such further use therein upon that Statute, as the DECLARATION lets forth.

And here by the way We observe a mention in this Statute, of 4. and 5.

Phil. and *Mar. cap. 3.* of a power of mustering in Lieutenants, to whom other Powers contained in Our Commission were also granted, and might have been also mentioned in this Statute, if there had been occasion.

And secondly, as to this Statute of 4. and 5. *Phil.* and *Mar. cap. 2.* We say, That in case that Act of 5. *Hen. 4.* had been repealed by 4. and 5. *Phil.* and *Mar.* yet this Commission had still continued in force notwithstanding any bare repeal; for that (as We have proved) this Commission was (before that Statute) warranted by the Common Law, which did still remain in force so farre as it was not expressly contrary to the further particulars of that Act.

And now We come to the Objection principally intended against this Commission upon the alteration of the Law at this day since 5. *Hen. 4.* wherein the case is this.

The Statute of 13. *Edw. 1.* made an assize of Arms for the severall kindes and proportions according to mens severall estates. Then 5. *Hen. 4.* enacts this Commission with power to asseesse men according to their abilities Afterwards 13. *Edw. 2.* is repealed by 21. *Jac.*

The Argument hereupon in the DECLARATION is made thus :

That the Commission, as to the finding of Arms *juxta statum & facultates*, is so grounded upon that Statute of 13. *Edw. 1.* (which was then in force, and did enact the finding of Arms *juxta statum & facultates*, in manner as is therein expressed) that that Statute of 13. *Edw. 1.* being since repealed, that Commission is likewise repealed, and become unwarrantable at this day.

For answer whereunto, in the first place, We do deny that this Commission is any wayes grounded upon 13. *Edw. 1.* First, for that (as We have proved) 13. *Edw. 1.* originally was not meant, as a provision of Arms for defence extraordinary, much lesse so intended here.

Secondly, If it were for defence extraordinary, yet neither this Act of 5. *Hen. 4.* nor the Commission thereby settled, have any relation thereunto in words, much lesse in meaning.

For the words, There is no mention of 13. *Edw. 1.* either in the Act or Commission, but the words of the Commission are generally, for imposing Arms *secundum statum & facultates*; According to every mans degree and ability, without limitation, of the kinde of Arms, or particular severall proportions of estates.

And for the meaning. We cannot conceive it to be lesse, then according to the full extent of the words. For there is lesse reason to imagine that the Parliament of 5. *Henry* the fourth, did any wayes intend the assize of Arms established.

established by 13. *Edward* the first, then there was to imagine the like upon the Act of 1. *Edward* the third; for that between 1. *Edward* the third, and 5. *Henry* the fourth, All kinde of Arms were more altered, then betwixt 13. *Edward* the first, and 1. *Edward* the third, and in this space of time, Guns were come into use in *England*, which were both necessary to be commanded and provided against by other Arms.

And to avoid Repetitions, We further refer Our self, in these two particulars, to what We before observed upon the Statute of 1. *Edw.* 3.

And as for any restraint of those generall words of Our Commission, by any construction of Law to the particular assize of 13. *Edw.* 1. We say, That though a subsequent particular Act may restrain the generall words of a Commission (as We have said before, upon the Statute of 4. and 5. *Phil.* and *Mar.*) because the subsequent Act, as it may take away, so it may limit any Power given either by Common Law or Statute, yet a precedent particular Act (upon the same reason, because it hath no such Power) doth not regularly restrain the generall words of a subsequent Statute, which hath Power to controll the former; and (as in Our case) where the meaning appears to be as large as the words cannot possibly restrain them.

But in this We need not labour, For though the Declaration in making way for this Objection, admits the Commission, to have some colour to be legall, as grounded upon 13. *Edw.* 1. as to that part of finding Arms *juxta statum & facultates*: Yet it is the main and throughout ground of the Declaration, That this Commission, because it is generall, is against the Statute of 13. *Edw.* 1. and the other Statutes, and so void; whereas, if the Commission had been restrained to 13. *Edw.* 1. then it could not have been void as contrary thereunto.

But, admitting that this Commission was, by construction of Law, necessarily to be regulated according to 13. *Edw.* 1. whilst that Statute was in force, Our Answer is, that nevertheless this Commission did not fall by the repeal of that Statute.

Wherein We shall admit (which the Declaration supposeth, though by Us it is disproved) That this Commission was not warranted at the Common Law before the Statute of 5. *Henry* the fourth, and then the Case is but this.

The Statute of thirteenth of *Edward* the first, doth appoint a particular Assize of Arms for kindes and proportions, according to this necessary rule, the Arms for the kinde shall be fit for defence; and for the proportion, shall be according to mens abilities (for such is the Act.) Afterwards 5. *Henry* the fourth doth establish this Commission, wherein there is no particular reference unto this Statute of 13. *Edward* the first; But

the rule is generall to charge Armes, for the kindes, according to the use of the time (for that is necessarily implied) and for the proportions, according to mens degrees and abilities: which are equall rules fit ever to continue, though the kindes and proportions, may and must alter.

In this case We do agree, That if the Commission had expressly referred to charge according to that Statute of the thirteenth of Edward the first, Then that Commission could have been no longer of force then the Statute had continued. For then it had been no more in substance, then if the powers had been but particular, to charge certain Armes, and in certain proportions according to that Statute. And in this sense We must agree with the Declaration, That a Commission being so grounded upon a Statute, upon the Repeal of the Statute, both fall together.

But in this case, (thus admitted) where the Commission is generall, and if the thirteenth of Edward the first, had never been, must have had its full operation, according to the words, both for the kinde of Armes and proportions, and was regulated but by a bare construction of Law, both for Armes and Proportions by 13. Edward the first, which the Parliament might think fit to be a rule for that time; it seems strongly to follow, that when 13. Edward the first, (which was the onely impediment why it did not work according to the extent of the words) is repealed, the operation of the Law upon this Commission, by force of that Statute, must likewise cease: and the Commission must be construed according to the words, the rather for avoiding of this mischief, that otherwise the Kingdom should be without all necessary means to put it into a posture of defence; which that Act did intend principally and perpetually to provide for.

But more fully to take off this Objection, We must here remember (what We have proved before) that the Powers of this Commission in the latitude of the words thereof for imposing Armes, *secundum statum & facultates*, according to mens degrees and abilities, was warranted at the Common Law before any Statute, and was to be executed without the direction of any particular Assize for kindes and proportions: As at this day severall like powers for assailing men both by Statute and Common Law according to their abilities, as for high wayes, poor of the Parish, and the like are to be executed.

These then being the Powers at Common Law, As it is cleer they are not taken away by any affirmative Statute. (such as 12. Edward the first, seems to be:) So if We shall admit (as strongest against Our self) that there were any negative words in this Statute or any other Statute grounded thereupon, That the Subject should not be compellable to be armed other-

otherwise, (which other Statutes (according to the ground rightly taken in the Declaration) must necessarily fall by the repeal of 15. Edward the first,) when this Statute being repealed, the Commission thus framed of those Statutes, remains in full force as it was at the Common Law: made to command him, and so to constitute him, &c.

And now that We have passed over the Acts of Our Predecessors as well before as after the Act of 5. Henry the fourth. (We are encouraged with Our own Acts, this Petition of Right, and a Recital in an Act this present Parliament, as being both against Our Commission, but to be answered.)

Whereupon We need to say but this. That it appears out of themselves, that neither of them were ever meant to introduce a new Law: So as if (as We have proved) Our Commission be not against the Law, as it stood formerly, they were not intended nor justly ought to be extended against it. But to give yet more particular and full answers thereunto: We say, First, for the Petition of Right, it no way extends to our Commissions of Army.

The Objection made upon it stands thus, That by the Laws and Statutes of this Realm, the Subjects have inherited this Freedom, That they should not be compelled to contribute to any Tax, Tollage, Ayde, or other like charge, not set by common consent in Parliament. And after complains, That divers charges have been laid and levied upon the People by Lords, Lieutenants, Deputy-Lieutenants, Commissioners for Musters, Justices of Peace, and others, by command or direction from Us, or Our Privy Council, against the Laws and free Customs of the Realm, which the Declaration alleadgeth to be the breach of those Laws.

Then the words of the Petition are thus applyed, That here is a Tax or Charge imposed upon the people, by compelling them to finde Arms by command and direction from Us, under Our great Seal, without consent in Parliament.

And the meaning of the Petition is thus enforced, That it is very well known, and doth sufficiently appear, that the charges there mentioned to be laid by Lords-Lieutenants, and Deputy-Lieutenants, were the charging of the Subjects with Arms against Law, by colour of their Commission from Us, and consequently this Commission is against the Petition of Right.

For Our clearer Answer, We shall set down the summe of the Petition, for so much as concerns the unlawfull charging of the Subject. And it is this.

First, The Petition recites severall Statutes, as made against the compelling the Subject to the making or yeelding any Gift, Loan, Benevolence, Taxes, Aydes, or such like Charges without Common consent in Parliament; And next setteth forth a violation of those Statutes, by the Commissions of Loanes, and Execution of them; and that divers other Charges had been laid and levied by Lords-Lieutenants, and others (as is aforesaid) And lastly the Prayer is substantively of it self, without any relative words, yet extends to all that was before complained of, and contains the substance of all those former Statutes in these words; *That no man be compelled, to make or yeeld any Gift, Loan, Benevolence, Tax, or such like Charge without common consent by Act of Parliament.* And Our Answer to that part of the Prayer; amongst the rest, is, *Let right be done as is desired.* And Our Answer to the Objection stands thus.

First, That whatsoever sence any words of the Preamble may seem to import, yet without question, there is no more in this Preamble then is after contained in the Prayer: So if Our Commission be not against the Prayer, there can be no Argument against it drawn out of the Preamble, or if in truth there were more in the Preamble then in the Prayer, (whereunto onely the Royall assent extends,) yet nothing could bindingly be concluded thereupon (as We shall further shew upon occasion.)

This then onely rests to be considered upon this Objection; Whether the power, in Our Commission, to compell the Subjects, able of body and estate to Arm themselves, and in case of impotency to finde Arms for others, for the necessary defence of the Kingdom, can be said to be a compelling of the Subject, *to make or yeeld any Gift, Loan, Benevolence, Taxes, or other like Charge, contrary to the Prayer of the Petition.*

Upon the Case thus truly stated, it is cleer, That here is no yeelding or making of Gifts; Benevolence, or Loan; And as for making or yeelding any Tax or other like charge, though it be true, That this arming a mans self, or finding Arms for another, cannot be done without Charge: Yet We appeal to every mans understanding, whether Our Subjects can, upon this Commission, be said to make or yeeld (for so are the words) any Tax or other Charge against the Petition, any more, then if We command a City to repair their Walls, or a Levell (putting the Case before any Statute, to take away all colour of evasion) to repair the Sea-banks, when they were in decay, being no particular advantage to Us, but for the Common good of themselves.

The truth is, That albeit the imposing of divers charges, and commanding

manding divers Acts drawing charges upon the Subject, though possibly for their advantage, are void in Law: Notwithstanding it doth not follow that they are void as against this Petition. For the Petition of Right, as against the charges therein mentioned, is onely to be intended of Money, or other thing valuable, and to be parted with to or for Us, or Our advantage: Such as are all the Charges more specially mentioned in the Preamble and Prayer, as that of Gift, Loan, and Benevolences, And such as were those Charges intended in the Preamble under the generall expression of divers other Charges imposed by Lord-Lieutenants, &c. which We think is very well known to most Countiees, to have been meet Pecuniary Payments, and which We ought to have borne. And for the other charges, that is, of Taxes, Tallages, Aydes likewise mentioned, which as to this purpose are but *Synonoma*, and of one signification, they are meant of money or other things valuable, and for the King; and so used in the old Statutes, and had been in former times imposed upon the people, without Act of Parliament; and accordingly all of them are so to be expounded in the Preamble. And the Prayer of the Petition saith nothing expressly against the Commanding the Subject to do a thing which may be necessarily of expence or Charge, (wherein the Act is onely intended, and the Charge but a necessary Incident) but the Prayer is onely against the compelling of the Subject to *yeild, or make* those kindes of charges: So as the cleer sense of the Petition, both according to the occasion of complaint therein mentioned, and the Laws whereupon it is framed, as well as the propriety of the words, is onely against drawing from the Subject, either Money or Money-worth, by any of those particular charges therein mentioned, or any other charge of like nature (under what specious title soever) for the Kings advantage, which the more plainly appears, for that the charge must be *yeilded or made*, as upon *Gift, Loan, &c.* which must necessarily be intended unto some person, and no other person can be here colourably intended but the King.

And if the Petition, by any construction may extend against the commanding of any *Acts*, which in the execution may induce charges, yet such charges must (according to the very words of the Petition) be *such like Charges*, that is for Us or Our advantage, as the particular *Charges therein mentioned, of Gift, Loan, &c.* But this charging of the Subject with Arms for the necessary defence of the Kingdom cannot be said for Our particular advantage, all Our Subjects having therein a Common interest.

As for the meaning of the Petition inserted in the Objection from the Charges by Lord-Lieutenants, and others complained against in the Preamble, sure We are that those must be such in the particular, as are after contained in the generall words of the Prayer, to which We have answered before: And though it be to this purpose said in the Declaration, That those Charges by Lord-Lieutenants and others, were meant of charging of the Subject with Armes, certainly no such thing can appear in the Petition, which speaks but onely of divers Charges, but names none in particular; nor can there be any other assurance that the Houses did intend any such thing, but by Votes, wherein they onely speak: and if any such Votes had been, We doubt not but We should have found them inserted in this DECLARATION. And a particular complaint of so great a grievance (as Our Commission is made to bee) would have been expressed in the Preamble of the Petition, with the Quotations of Statutes to the contrary, as was done concerning other grievances. But in truth it is well known, That about that time, upon occasion of Our Warres, there were divers other charges imposed by Our Lieutenants, and others, of a farre differing nature, most of which were by direction from Us or Our Privy Councell, according to the exigency of the time and some former practice.

And We do beleve, That there was at that time neither complaint or occasion of complaint against the imposing of Armes for home defence of the KINGDOME. Howsoever Wee are sure if complaint was particularly represented unto Us, or Our Lieutenants.

And now to cleere this fence of the Petition out of both Our Houses this very Parliament, We demand this be the imposing Armes for defence, be a charge upon the meaning of this Petition; how the two Houses will nance, which We are sure they will not call an Act of without an Act of Parliament, no Charge thereby can be imposed upon the Subject, the words being that shall be compelled to make or yeeld any Gift, Loan, Taxe, or other such like Charge, without Common consent by Act of Parliament.

And now, since this Declaration hath given Us such occasion to examine Our Commission upon the Petition of Right, We shall conclude, out of that Petition, That that Parliament did conceive the powers of this Commission, warrantable in every point.

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For it is plainly to be observed, that the Commons did then take into consideration the generall grievances of the Kingdome, more particularly, concerning Military affaires, and therein the actions of Lord Lieutenants, and Deputy Lieutenants with their Commissions and powers, and their exceeding of their power, as expressly the billeting of Souldiers, and the payment of Billet-money, Muster-masters fees, and others of that nature, were then in dispute. And although the two Houses could not but take notice of the imposing of Armes upon the Subject by our Commission of Lieutenancy, and their powers to Levy, call together, Arm, Array, Train, and Muster Our Subjects inhabiting in Our severall Counties, and to conduct and lead them against all Our Enemies, and all Rebels and Traytors, from time to time, as need should require, (in which particulars they contained the powers of Our Commission of Array: Yet the Complaint was not made against them, for what they did by vertue of their Commission (no more then against the Justices of Peace, though complained of, together with the Lieutenants) but for matters where-in they did exceed their Commission, upon the command, or direction from Us, or Our Councell; the Petition throughout distinguishing betwixt such Commands, or directions, and Our Commissions.

So that We conclude, here was not onely an admission, but an approbation of those powers, by that Parliament.

We come now to the recitall in the Preamble of the late Statute made this Parliament, *which words were these.*

actions, and Rebellions have been lately raised and committed in Ireland, by the wicked plots and conspiracies of the Rebels there (being traitorously affected) to the ruin of the said Kingdome, but also of this Kingdome as well as for the preventing thereof. And for this purpose. And whereas, by the means of the said Rebels, many of the said Kingdome, or compelled to goe into the Wars, except in case of necessity of the Kingdome: into the Kingdome or except they be of their Lands or possessions, &c. (upon which

Preamble, there is, in that Statute, some provision made for a time for raising and impressing men for those Services.

And upon this Preamble, the conclusion is made in these words, *That this Commission is directly contrary to this Declaration is so evident, that it requires no application.*

To this Objection, We say, We might make Our Answer as short as the inference is, by assuming, That it is evident, that this Commission is the contrary to this recitall; And surely We think that what We have already expressed,

As for the meaning of the Petition inserted in the Objection from the Charges by Lord-Lieutenants, and others complained against in the Preamble, sure We are that those must be such in the particular, as are after contained in the generall words of the Prayer, to which We have answered before: And though it be to this purpose said in the Declaration, That those Charges by Lord-Lieutenants and others, were meant of charging of the Subject with Arms, certainly no such thing can appear in the Petition, which speaks but onely of *divers Charges*, but names none in particular; nor can there be any other assurance that the Houses did intend any such thing, but by Votes, wherein they onely speak; and if any such Votes had been, We doubt not but We should have found them inserted in this DECLARATION. And a particular complaint of so great a grievance (as Our Commission is made to bee) would have been expressed in the Preamble of the Petition, with the Quotations of Statutes to the contrary, as was done concerning other grievances. But in truth it is well known, That about that time, upon occasion of Our Warres, there were divers other charges imposed by Our Lieutenants, and others, of a farre differing nature, most of which were by direction from Us or Our Privy Councell, according to the exigency of the time and some former practice.

And We do believe, That there was at that time neither complaint or occasion of complaint against the imposing of Arms for home defence of the KINGDOME. Howsoever Wee are sure that no such complaint was particularly represented unto Us, or Our Answer intended thereunto.

And now to cleere this sense of the Petition out of the Judgement of both Our Houses this very Parliament, We demand this Question: If to be the imposing Armes for defence, be a charge upon the Subject within the meaning of this Petition; how the two Houses will justify their Ordinance, which We are sure they will not call an Act of Parliament; For without an Act of Parliament, no Charge thereby provided against, can be imposed upon the Subject, the words being plain, That no man shall be compelled to make or yeeld any Gift, Loan, Benevolence, Taxe, or other such like Charge, *without Common consent by Act of Parliament.*

And now, since this Declaration hath given Us such occasion to extirpe Our Commission upon the Petition of Right, We shall conclude, out of that Petition, That that Parliament did conceive the powers of this Commission, warrantable in every point.

For

For it is plainly to be observed, that the Commons did then take into consideration the generall grievances of the Kingdome, more particularly, concerning Military affaires, and therein the actions of Lord Lieutenants, and Deputy Lieutenants with their Commissions and powers, and their exceeding of their power, as expressly the billeting of Souldiers, and the payment of Billet-money, Muster-masters fees, and others of that nature, were then in dispute. And although the two Houses could not but take notice of the imposing of Armes upon the Subject by our Commission of Lieutenancy, and their powers to Levy, call together, Arm, Array, Train, and Muster Our Subjects, inhabiting in Our severall Counties, and to conduct and lead them against all Our Enemies, and all Rebels and Traytors, from time to time, as need should require, (in which particulars they contained the powers of Our Commission of Array: Yet the Complaint was not made against them, for what they did by vertue of their Commission (no more then against the Justices of Peace, though complained of, together with the Lieutenants) but for matters where-in they did exceed their Commission, upon the command, or direction from Us, or Our Councell; the Petition throughout distinguishing betwixt such Commands, or directions, and Our Commissions.

So that We conclude, here was not onely an admission, but an approbation of those powers, by that Parliament.

We come now to the recitall in the Preamble of the late Statute made this Parliament. The words are these.

For as much as great Commissions, and Rebellions have been lately raised and stirred up in His Majesties Kingdome of Ireland, by the wicked plots and conspiracies, of divers of His Majesties Subjects there (being traitorously affected) to the great endangering, not onely of the said Kingdome, but also of this Kingdome of England, unless a speedy course be taken for the preventing thereof. And for this raising and pressing of men for those Services. And whereas, by the Laws of the Realm, none of His Majesties Subjects ought to be impressed, or compelled to goe out of His County, to serve as a souldier in the Wars, except in case of necessity of the sudden comming in of strange Enemies into the Kingdome or except they be otherwise bound by the Tenure of their Lands or possessions, &c. (upon which Preamble, there is, in that Statute, some provision made for a time for raising and impressing men for those Services.)

And upon this Preamble, the conclusion is made in these words, *This Commission is directly contrary to this Declaration is so evident, that it requires no application.*

To this Objection, We say, We might make Our Answer as short as the inference is, by affirming, That it is evident, that this Commission is the contrary to this recitall; And surely We thinke that what We have already opened,

ned, being applyed to this Objection, would warrant that Answer.

But that We may leave nothing undone, that may tend towards the full satisfaction of Our good people, We shall also give this a particular answer.

First, Wee say, That if this recitall had beene an Act, yet there were nothing in Our Commission contrary to the letter of it, for that by this Commission, no man is compellable by any speciall words to goe out of his County.

And the generall words, (giving power to the Commissioners, for leading them to the Sea-coast or elsewhere (as We have often repeated) are with these limitations : They are to lead them, but when there is imminent Danger of enemies, for defence of the Kingdome ; and then onely they are to be led to such places, as shall be necessary for the expulsion, vanquishing, and destruction of the said enemies, And this is a case of necessity both within the words of this recitall, and according to the sence of the same words, in the Statute of 1.E.3. and 4.H.4. (therein meant) as We have before shewed.

And thus We might leave this Objection, but that it implies a matter of a greater consequence then plainly appears. That recitalls of the Law, in Preambles of Statutes are binding ; For in this Objection, this recitall is called a *Declaration of the Law*, and Our Commission said to be *contrary to that Statute*, and it further implies, That even in the greatest and most horrid Rebellion, the Subject cannot be compelled out of the County, for the suppression thereof, But to this We answer, That the difference is apparent, between an Act of Parliament declarative, and a recitall in a Preamble. For such an *Act* (in any matter though mistaken) being assented unto by Vs, and Our two Houses, is equally binding (as having equall authority) with an Act introductive of a new Law, But the recitall in a Preamble, is no part of the Act (the Royall assent being onely to that, which is expressly or tacitely prayed to be enacted :) Nor can it any wayes so much as imply our Opinion : For otherwise, Kings must be enforced oftentimes to deny a good Law, for an ill Preamble ; The consequence whereof is great in such an Act as requires expedition, where a Bill once denied, is not regularly to be offered againe in that Session of Parliament.

1 And if it were needfull, divers mistakes of the Law in Preambles might be produced, by which We would be loath to bind Our Subjects.

Nevertheless, though Preambles be not in themselves sufficient to declare Laws, yet VVe deny not they are of good use, though not convincing Arguments to expound them.

And for Our power in the matter of Rebellion, besides what hath beene said, VVe might also adde (if it were materiall to this Commission,) Preambles, Recitals, and other necessary Inferences out of other Statutes (made since

since those intended in this Recitall) which would prove, that in case of Rebellion, all Our Subjects ought to assist Us, and to attend Our Person upon Our command, for the defence thereof, whensoever We should require it.

Sec 11 H.7. in the Preamble, That the Subjects, by the

duty of their Allegiance, are bound to serve their Prince in his Wars, for the defence of Him and the Land, against every Rebellion, Power, and Might reared against Him. And 11 H.7. c. 18. Whereas every Subject, by the duty of his Allegiance, is bound to assist the King at all seasons when need shall require; and most especially such as have by him promotion or advancement, as Grants, and Gifts of Offices, Fees, and Annuities, which are, and verily be bound by reason to give their attendance upon his Royall person, to defend the same, when hee shall fortune to goe in his person in warres for defence of the Realme, or against his Rebels and Enemies. And 5 Ed. cap. 5. Be it enacted in favour of Fishermen, and Mariners, That none of them shall hereafter at any time be compelled against his or their will to serve as a Souldier upon the Land or Sea, otherwise then as a Mariner, except it shall be to serve under any Captain of some Ship or Vessell for landing, to do some especiall Exploit, which Mariners have used to doe, or under any other person, having authority to withstand any Invasion of Enemies, or to subdue any Rebellion within the Realme. And see 19 H.7. cap. 1. a. & 3 E. 6. c. 1. And 4 & 5 Ph. & M. c. 3.

And the truth is: the occasion of this Act now urged against us, appears to be for the service of *Ireland*, and the intention of it (for so much as is the enacting part) was to take away all question concerning the pressing of the Subjects of *England* for the suppression of the Rebellion in *Ireland*. And so concerned forreigne service, and not home defence, either against Invasion of Enemies or Rebels.

And thus far the worke of the Declaration hath been to overthrow Our commission by Statutes alleaged to be directly against it. There remainys yet some other Objections drawn from the opinion of former Parliaments, and the practice of Our selves and Our Predecessors, and those not directly, but by inferences. But these, as wee shall shew, are so far from concluding against Our commission, that they rather prove the contrary.

The first of these Objections is upon the Statutes of 1 Jac. c. 25. and 21 Jac. c. 28. of Repeals: And is thus, That the Statute of 4 & 5 Ph. & M. c. 1. having Repealed this commission (for so the Declaration suppoeth) They had shewed little care of their own and the Subjects Liberty, in the Parliament of 1 Jac. to Repeale that Statute thereby to revive the power of this commission: which would have subjected the people to far greater bondage: and from thence inferreth, That it is not probable that the Parliament of 1 Jac. would have Repealed 4 & 5 Ph. & M. : As likewise from the Statute of 21 Jac. (which Repealed the Statutes of 13 Ed. 1. and 33 H. 8.) That it is not probable, that the

Parliament of 21 *Jac.* would have Repealed those Statutes (which in a moderate manner proportioned the Arms every man was to finde in certainty:) And suffer an Act (meaning this of 5 *H.4.*) to continue, which established a power in the King without limitation, not only to impose Arms, but to command the persons of the Subjects at pleasure.

To this We say, that both the grounds of this Objection are mistaken. For (as We have already shewed) neither is this commission Repealed by the Act of 4 & 5 *Ph. & M.* Nor is there any such unlimited Power given, or Bondage by it, as is pretended. And therefore Our Answer is, That it is no wonder that those Parliaments might Repeal 4 & 5 *Ph. & M.* as too hard; and 13 *Ed.* & 33 *H.8.* as of no use: and put the *Militia* of this Kingdome againe wholly under the powers of this commission, (being so indifferent betweene both the other:) And indeed the *Militia* did after continue under Lieutenants, who had in effect the powers given by this commission.

And now We shall return this Objection thus:

That those Parliaments of 1 *Jac.* and 21 *Jac.* would have shewed little care of the safety and defence of the Kingdom to have Repealed those Statutes which made provision for Arms, if they had thought there were no Law or Power left in the King to charge men with Armes for defence of the Kingdome, (as the Declaration affirms the Law now to be.)

But whosoever considers that at that time, and long before, the power of imposing Arms, was put in execution by Lieutenants, and Deputy-Lieutenants, by authority of their commissions (which to this purpose are the same with Our commissions of Array) and that this power was not complained of in those Parliaments, must conclude it more then probable, that those Parliaments did then conceive there was a sufficient power remayning in the King to impose Arms.

The next Objection is from the opinion of the Parliament of 4 and 5 *Philip and Mary, c. 3.* That is Our commission had beene authorized by Act of Parliament, that Statute of *Ph. and Mary* had been to little purpose, whereby the penalty of Imprisonment for ten days, or forty shillings is imposed upon such, as doe not appear at Musters, being Summoned thereunto, by the Kings commissioners authorized for that purpose, intimating, as that the Act of *Ph. & Mary* would never have been made, if they had then conceived, that We had power to grant such commissions.

To this Wee answer, That the particular Arms and proportions of Arms, were then before appointed by the Statute of 4 and 5 *Ph. & Mary, cap. 2.* under certain penalties upon those who should be defective, and so a great part of the care of the commissioners of Array was supplied by the provision of that

Sta.

Statutes and the commissions of Array being not so proper, but in time of danger, and of a larger extent, then the power of Mustering, a commission of Muster (which is part of the power of a commission of Array) would then serve the ordinary turn: and for every ordinary default, but at a Muster, in a time of no Danger, the punishment by 4 and 5 *Ph. & Mary*. cap. 3. was great enough.

And for returne of this Objection, Wee say, (as Wee observed before) That this Statute gives no new power, to grant commissions for Musters, but admits the power to grant such commissions to have been in the King before that time. And whereas the Statute of 13 *Ed. 1.* appoints no other Officers but the Constables for view of Arms; it appears by these Statutes of *Ph. & Mary*, that the King might appoint His commissioners: which he could not, if this power of Arms had been wholly grounded upon that Statute.

That last Objection of this nature, is grounded upon the common opinion or practice; And is this.

That the Commission of Lieutenancy, so grievous to the people, and declared illegall in Parliament, had not been so often issued, and so much pressed upon them, if the Commission of Array, not much differing from it in power, and not at all lesse grievous to the Subject, might, by the warrant and authority of the Laws of this Realm, have supplied their Room.

To this Our Answer is, That it stands upon two grounds: First, That the Commissions of Lieutenancy were grievous; Secondly, That they were illegall: both which so far forth at least as to the powers wherein they did not exceed the power of this Commission (for the other powers are not now in question) are cleerly mistaken.

For, as for the grievousnesse, wee say these Commissions were such as had been long used in the happiest times of Our Predecessors, and continued to Our Time: And such grievances, as did or might arise in the execution of these Commissions, not warranted by them, are no cause to quarrell at the Commissions themselves, more then at the Commissions of Peace, because some Justices of Peace have exceeded or abused their authority. And howsoever, Those powers wherein they exceeded not our Commission of Array could not be grievous, as we have already shewed.

And as for the illegality of those powers, We shall not, nor will Our people be satisfied by bare Votes, that they are illegall. The same being done, without hearing of Our Councill, and without advising with the Judges, and demanding their opinions (a course which was formerly used in Parliaments, as appears even by this Record of 5 *H. 4.* amongst many others, but in matters of Law, which have of late risen in Our Houses of Parliament hath, (for what
cause

cause We know not, been laid aside.) But Wee again say, these powers in Our Commissions of Lieutenancies are legall, and if there be any clauses in such Commissions which are illegall, those clauses could not at all make the Commissions void, for so much as was legall; much lesse take away Our power of granting new Commissions, omitting such clauses.

But if We should, for this time, admit the grounds of this Objection, That Our Commissions of Lieutenancy had beene such as this Declaration would have them, yet it is but a very inconsequent Argument, That those Commissions would not have issued so often, and been so much pressed, if the Commissions of Array had been Legall.

For the Commissions of Lieutenancy contained not onely most of the powers of the Commission of Array, but in many things exceeded them, and were issuable in times of Peace, whereas Commissions of Array commonly issued in times of Danger onely, and so there was occasion for the one Commission, when there was none for the other.

But on the contrary, (that Wee may Retort this Objection also,) since that the Commissions of Lieutenancy, not much differing from the Commissions of Array in Power, (as the Declaration saith) and in many things exceeding them, have so often issued in the Reignes of severall of Our Predecessors, and were allowed by the Judges of those times, obeyed without dispute, and not questioned in the Parliament of 1 Jac. or 21 Jac. nor were these powers wherein they agreed with the Commission of Array complained of by the Petition of Right, but rather admitted and allowed, as Wee have already shewed. It may very well be inferred that both the Commissions of Lieutenancy and of Array, (as to those powers at least wherein they agreed) were Legall and far from being any grievance to the Subject.

Thus far we have proceeded in the Examination and clearing of the Objections made against Our Commissions of Array. Upon all which Objections, we shall further observe, that although the Declaration denies Our power at this day of commanding to *Train or Exercise*; yet none of those Objections touch any thing upon those Powers. So that if all were true which is Objected, yet we should still have power (at least by a distinct Commission) to command Our Subjects to be Disciplined, Mustered, Trained and Exercised, with such Arms as they had in a readinesse; for that (as wee have shewed before) these are distinct from the power of *Imposing of Arms*, and may be severally granted or executed.

And now upon the whole matter, the state of Our case is this. It is Voted by Our Houses of Parliament, That Our Kingdom is in imminent danger of destruction from enemies abroad, and a discontented Party at home; and that there

there is a necessity to put Our people into a posture of Defence.

In this case, for defence of Our selves and Our Kingdom, We have awarded Our Commissions of Array, thereby giving power to the Commissioners (persons, We hope, beyond exception) to cause Our Subjects to arm themselves, or, if impotent in body, to find Arms for others, according to their abilities, in a reasonable and moderate proportion, and to muster and train them at convenient times and places, and afterwards, upon occasion to lead them, where there is a necessity for the defence of the Kingdom, and the Expulsion, vanquishing, and Destruction of Enemies.

And We have shewed, that the powers of these Commissions, are grounded upon the very principles of Government, and that without them, Wee could not defend, and protect Our Subjects, (as We are bound by Our Oath at Our Coronation) That they are warranted by the ancient Common Law, allowed by the constant practice of former ages established by the Parliament of 5 H. 4. (which caused a copy of these Commissions to be entred upon the Roll, as a Rule or President for after-times) and are not Repealed, or altered by any Statutes now in force.

And yet, though this Danger, and the necessity of putting the Kingdome into a Posture of Defence, is thus agreed by both Houses; nevertheless, this Commission, and all others of like nature, are by their Declaration said to be illegall; And it is thereby denied, That We have, at any time, Power to charge Our Subjects with any manner of Arms (though for the absolute necessary defence of the Kingdom) or that We can command them to be trained or exercised, much lesse to be led out of the County, though an Enemy be ready to enter, or though Rebels be actually up in Arms.

How far this opinion is consistent with Law, Reason, or Regall Power, the safety of Our selves, and Our Subjects, (upon all this which Wee have said) We leave to all Our good people to consider.

And since Our two Houses (denying Us this Power) without Us, and against Our consent, have made Orders (which they call Ordinances) for compelling Our Subjects to be Armed, Trained, Exercised, Mustered, and conducted, and send for Our Subjects as Delinquents, and imprison them, for refusing to obey such Orders; It is apparent, That what this Declaration saith against Our Commission, without just ground, is true indeed of those Orders, that is, That they are contrary to the Law and Customes of the Realme, destructive to the Liberty, and Property of the Subjects, and contrary to the Petition of Right (as it is expounded in this Declaration,) as also against other Statutes.

FINIS.

The

The Kings Majesties Charge sent to all the Iudges of
England, to be published in their respective
 Circuits, By His Majesties speciall
 Command.

Charles Rex.

TRuffy and wel-beloved, We greet you well. Wee call to minde that in former times the constant custome was, by the mouth of the Lord Keeper for the time being, at the Court of Star-chamber, in the end of Trinity Terme, to put the Judges of Assise (shortly after to undertake their severall Circuits) in mind of such things as were then thought necessary for the present, for the good government of the Kingdome. This course in Our judgment Wee doe well approve of, That although Wee want the opportunity, which We and Our Predecessors then had, of communicating Our thoughts to Our Judges, for the good of Our People, yet Wee doe still retain the same care for the safety and prosperity of Our good Subjects: And much more, by how much, the distempers and distractions of the present times, unhappily false, have given us more occasion. Wee have therefore thought it fit, to supply the defect by these Our Letters; wherein, besides the generall care of Our justice, committed to Us by God, and by Us delegated to Our Judges by Our severall Commissions, Wee recommend unto you in your Circuits, as Wee shall doe to the rest of your Brethren in their severall Circuits, these particulars following.

First, that you take care, by all the best means you can, to suppress Popery in all those Countie whither you are to go, by putting the Laws made against them in due execution: And that you take like care to give a stop to the overhasty growth of Anabaptisme, and other Schismes. as far as by the good Laws of the Land you may; and to punish the Delinquents with an equall hand, and those specially of either sort whom you shall discover to be seditious stirrers and movers of others to any Acts of disobedience to us, and our government; And that in Charge, and otherwise, as you shall have fit opportunity, you assure our good Subjects in our name, and in the word of a King, who calls God to witnesse, that by his gracious assistance we are constantly resolved to maintain the true Protestant Religion, established by Law in this Church of *England*, in the purity thereof, without declining either to the right hand or to the left, as wee found it at our access to the Crowne, and as it was mayntained in
 the

the happy times of *Queen Elizabeth*, and *King James* Our dear Father, both of happy memory, and therein both to live and die.

Secondly, You shall let Our People of those Counties know, That, according to Our Kingly Duty and Oath, We are also constantly resolved to mayntain the Lawes of this Our Kingdome; and by, and according to them to governe Our Subjects, and not by any Arbitrary power, whatsoever the Malevolent Spirits of any ill affected to Our Person or Government have suggested, or shall suggest to the contrary. And that Wee shall also mayntaine the just Priviledges of Parliament, as far as ever Our Predecessors have done, and as far as may stand with that Justice which we owe to Our Crown, and the honour thereof: But that We may not, nor will admit of any such unwarranted power, in either, or both Houses of Parliament, which in some things hath been lately usurped, not onely without, but against Our Royall Consent and Command. And We require and command you, as there shall be just occasion offered, in a legall way, that you take care to preserve Our just Right in these cases.

Thirdly, We charge you, as you tender the peace of this Kingdome, in the Government whereof, according to the Laws, you Our Judges of the Law have a principall part under Us, that you take care for suppressing of all Insurrections, if any such should happen, and of all Riots and unlawfull Assemblies under any pretence whatsoever, not warranted by the Laws of this Land; and whosoever shall transgresse therein, that you let them know that they must expect that punishment which by the Law may be inflicted upon them, and at your hands We shal look for such an account herein, within your Circuit, as becommeth the quality of the place wherein you serve Us.

Fourthly, because the distempers of the present times, unhappily stirred up and fomented by some, under specious, but unjust pretences, and probable to stirre up loose and ungoverned people, under hope of impunity as far as they dare to make a prey of Our good Subjects, We straitly charge and command you to take the best order you can in those Counties, That Rogues; Vagabonds, and other disorderly people may be apprehended, dealt with and punished according to the Laws, whereby the good and quiet people of Our Kingdome may be secured, and the wicked and licentious may be suppressed: and We charge and command you to give it in charge in all the Countie, whether you are sent by our Commissions, that Watches and Wards, be straitly kept in all Parishes and places convenient, whereby the Lawes made against such disorders may be put in due execution.

Fifthly and lastly, you shall let Our people of those Counties know from Us, and by Our command, that if they shall protest unto Us, or unto you in Our

stead, any thing wherein they hold themselves grieved, in an humble and fitting way, and shall desire a just Reformation or Relief, Wee shall give a gracious care unto them, and with all convenience returne them such an answer, as shall give them cause to thank Us for Our Justice and Favour: And when you shall have published Our cleere intentions to Our people in these things, lest at the first hearing they should not so fully apprehend Our sense therein, you shall deliver a copy of these Our Letters to the Fore-man of the Grand-Jury, and to any other, if any one shall desire copies of these Our Letters for their better information: And to the end that Our services in your Circuit may not suffer through the absence of Our learned Counsell, Our Will and Command is, that you assigne in every place of your Sessions some of the ablest Lawyers who ride that Circuit to be of Counsell for Us, to assist in such Pleas of the Crown, that may be most necessary for Our service in the execution and punishment of notorious Delinquents.

Of all these things Wee shall expect that good account from you, as Wee shall from the rest of your Brethren Our Judges, to whom Wee have also written to the like purpose, of whose fidelity and good affections We are confident as becommeth Us to look for from you, and for you to render to Us, wherein you have so great a trust committed.

Given at Our Court at York, 4 July, 1642.

To Our trusty and welbeloved the Iudge or Iudges of Assize for Our Counties of Kent, Surrey, Suffex, Hartford, and Essex.

By the King.

**A Proclamation against the forcible Seizing or Removing
any the Magazine or Ammunition of any County.**

And concerning the Execution of the Militia within this Kingdom.

VVhereas by Our Proclamation of the twenty seventh of May last, in pursuance of, and according to the Lawes, and usages of this Realme, Wee did in Our care of the peace of the Kingdom command all Our Sheriffs, and all Colonels, Lieutenant Colonels, Serieant Majors, Captains, Officers and Souldiers belonging to the Trained bands of this our Kingdom, and all High and Petty Constables, and

and other our Officers and Subjects, not to muster, Levie, Raise, or March, or to Summon or Call upon any Warrant, Order or Ordinance from one or both Houses of Parliament (wherto We had not or should not give our expresse consent) any of our Trained Bands, or other Forces, to Rise, Muster, March, or Exercise without expresse Warrant under Our Hand, or Warrant from our Sheriffe of the County, grounded upon a particular Writ to that purpose under our Great Seal. And We did thereby publish, in case any of our Trained Bands should Rise or gather together contrary to that our Command, Wee should then call them in good time to a strict Account, and proceed legally against them as violaters of the lawes and disturbers of the peace of the Kingdom.

And whereas we did likewise by our Proclamation of the eighteenth day of June last, for the reasons therein expresse, Charge and command all our Officers, and Ministers, that they should use their utmost endeavours for the suppressing of all Levies and Forces, raised or to be raised without or against our consent, As also all other our loving Subjects, that they should be attending, aiding and assisting our said officers and ministers therein.

And whereas We have awarded into the severall Counties of our Kingdom of England and Dominion of Wales our severall commissions of Array, thereby giving power to severall persons of Honour, Reputation, and Estate in the said Counties, for the safety and defence of Us, our Kingdom, and our good Subjects from time to time as it shall be needfull to Array, Train, Arm, and Muster our Subjects inhabiting in the said Counties, and in case of imminent danger to conduct and lead them for the destruction of our Enemies, and in the defence of the Country and the Kingdom. Whereof by our Proclamation of the twentieth day of June last, we gave notice to all our Subjects, and did thereby further Charge and Command all our officers and ministers, and other Our Loving Subjects, that they be attending, aiding, assisting, counselling, and at the commandment of the commissioners of our severall Counties respectively in the execution of their said Commissions, as they would answer the contrary at their utmost perils. And we did thereby also declare, That whosoever, after that our proclamation published, should do any thing in opposition of our said Commissioners by disobeying their Commandments, according to Law, or putting in execution any other command concerning the Militia of our Kingdom contrary to Law, we should account them unworthy of our Grace and Mercy, and such as must expect that Justice (how Penall or Capitall soever it be) should be done upon them according to their demerits.

Since which time we understand, some ill-affected persons intending the disturbance of the peace of this Kingdom, and the weakening and impairing

of our strength, under colour and pretence of some Order, or pretended Ordinance, of one or both Houses of Parliament, without Our consent, or without any Commission or warrant from Us, have in great numbers forcibly seized upon, and taken into their owne hands and power, some part of the Magazine and Ammunition, provided and placed for the safety and defence of this Kingdome, and carryed the same from the place where the same was by Common consent formerly laid up, to their owne houses or possessions, and have also taken into their possessions, and disposed at their pleasures, the Armes of divers of the Trained Bands without their consents, whereby they are unarmed (what occasion soever shall happen) for the defence of Us and Our Kingdome. And have threatened and endeavoured to arrest, apprehend, and imprison, or procure Warrants, for the apprehension, arresting, and imprisoning of some of Our Subjects, for obeying some of Our said Commissioners in their Commands according to the Tenors of their said Commissions, or for endeavouring to suppress Rebels or Forces raised without Our Consent, or for refusing to obey the Orders, or pretended Ordinances, of one or both Houses of Parliament, made without Our Consent, concerning the Militia of Our Kingdome: Which we cannot interpret to be lesse then indeavours (as much as in them lyeth) of Levying War against Us, and of discouraging Our Subjects from assisting Us in the just and necessary Defence of our selfe and Kingdome.

We doe therefore, by this Proclamation expressly charge and Command all Our Sheriffs, Justices of the Peace, Mayors, Bayliffs, Constables, and all other Our Officers and Subjects whatsoever, upon their Allegiance, and as they tender the Peace of this Kingdome, not to Seize, Remove, Displace, or intermeddle with the Magazine, or Ammunition, of or belonging to the severall and respective Counties of this Our Kingdome of England, or Dominions of Wales, or any of them, or any part thereof upon any such Order or Ordinance made or to be made, by one or both Houses of Parliament, whereunto We have not, or shall first give Our express Consent.

And We do likewise Charge and Command all Our said Officers, and Ministers, and other Our Subjects whatsoever, that they use their utmost endeavours (as in their duties they are bound) for the arresting and apprehending of all such persons, as shall with any manner of force by colour of any such Order or Ordinance made or to be made, by either or both Houses of Parliament, without or against Our consent, detain or keepe any Magazine, or Ammunition, or the Armes of any of Our Trained Bands so seized, removed, displaced, or shall hereafter under colour of such Order or Ordinance

Ordinance made or to be made, Die, e. Remove, Displace, or intermeddle with the Pagazine or Ammunition, of or belonging to the severall and respective Counties of this our Kingdome of England, or Dominion of Wales, or any of them or any part thereof. or with the Armes of any of Our Trained Bands there, or as Commissioners, or Commanders, shall hereafter put in execution any such Order or Ordinance made or to be made, by either or both Houses of Parliament, without Our consent, concerning the Militia, by Levying, Arraying, Trapping, or Mustering any of Our Subjects, or who shall by colour of any such Order or Ordinance, of either or both Houses of Parliament, made or to be made apprehend or arrest any of Our Subjects, for Endeavouring to suppress any Levies, or Forces raised or to be raised without Our consent, or for refusing to obey the said Orders or pretended Ordinance, touching the Militia, And also for the arresting, and apprehending of all such persons, as for the advancing or Countenancing of the Execution of any such Order or Ordinance, made or to be made without Our Consent concerning the Militia, shall actually endeavour to apprehend or arrest any of our Subjects, for obeying Our Commissioners of Array in their lawfull Commands, according to the Tenure of their said Commissions respectively, and the said offenders so arrested and apprehended, to carry to the Common Goal of the said County, where the said Offenders shall be so apprehended or arrested, there to remaine till they shall be delivered by due course of Law.

Given at Our Court at Yorke, the fourth day of July, in the Eighteenth year of Our Reign. 1642.

By the King.

A Proclamation forbidding all Relieving or succouring of the Town or County of *Kingston* upon *Hull* against His Majestie.

VWhereas our Town and County of *Kingston* upon *Hull*, is, and hath for some moneths last past been withheld from us: and our entrance into the same traitterously resisted and opposed with great force and numbers of armed men, commanded and directed by Sir John Hotham, who (we understand) is now labouring to seduce more of our loving Subjects to help and assist him in that odious and Traiterous action.

We do, by this Proclamation, straitly Charge and Command all our loving Subjects, that they do not give him any Assistance, Aid or Succour, by their own persons, or by sending any other thither, or by Conveying or

causing to be conveyed into the said Town or County any Persons, Money, Arms, Ammunition, Victuals, or any other Aid or Succour, for or towards the keeping or defending of the said Town or County against us, or any sent or to be sent by us for the removing of the unlawfull Forces there, and taking possession of our Fort, Port, Arms, and Ammunition there.

And hereof we charge all our loving Subjects to take notice, and to give present and full obedience hereunto as they will avoid the danger of falling into the detestable Crime of Treason.

Given at Our Court at York the fourth of July, in the eighteenth Yeer of Our Reign. 1642.

By the King.

WEt taking into our Princely consideration, That under the colour of some Order or Ordinance of one or both our Houses of Parliament, divers of our good Subjects not otherwise ill-affected to our Person or Service, have taken up Arms in our town and county of Kingston upon Hull, under the command of Sir Iohn Hotham, without and against our consent, and have with-holden and continued the defence thereof against Us, when in our own person we demanded the same to bee delivered unto us, by which act they may have bene misled and abused under the pretence of a lawfull Authority, and so have ignorantly fallen into the detestable crime of High Treason, by leaping and maintaining of War against us.

WEE, out of our Grace and Princely goodnesse, pittyping those who have been misled, and being willing to extend our favour unto such officers and Souldiers, who now seeing their Error, shall lay hold thereof and lay down their Arms, and withdraw themselves out of the said Town and County, do hereafter, in any sort of Law which shall be required, freely pardon unto all those our Subjects, other then the said Sir Iohn Hotham which have thus offended us and our Laws, and shall forthwith lay hold of this grace freely offered unto them, all, and all manner of Penalties and Forfeitures whatsoever, which they have incurred by reason or occasion of the premises, of whatsoever nature or qualittie the same offences be. So that neither we, nor our Heirs, or Successours, or any others on our behalf, shall any way impeach, sue, or molest them or any of them, for or by reason of the same. And hereof we will and require all our loving Subjects, whom it may concern, to take notice, at their perills.

And of our Grace and bounty, we do hereby promise, That to such of our
said

said Subjects as shall thus lay hold of this our gracious Favour, we shall give our free Passe to convey themselves to their adoad, and to pay unto them in hand one full Moneths pay, therewith to reliebe themselves untill they shall dispose of themselves or be otherwise disposed of by us to their good contentment.

Given at our Court at York the fourth day of July, in the eighteenth Yeere of our Reign. 1642.

A Declaration of the Lords and Commons assembled in Parliament, Concerning the publishing of divers Proclamations, and Papers, in forms of Proclamations in His Majesties Name.

VV Hereas severall Proclamations, Declarations, and Papers in forms of Proclamations have issued out in His Majesties Name, commanding Parsons, Vicars, Curats, Sheriffs, Majors, Bailiffs, and other Officers, to publish and proclaim the same, being contrary to Law, and to divers Orders, Ordinances, and Declarations of both Houses of Parliament, and much to the scandall and derogation of both the said Houses.

Be it Ordered and Declared by the Lords and Commons in Parliament, That no Sheriff, Major, Bailiff, Parson, Vicar, Curate, or other Officer, shall from hence-forth publish or proclaime, or cause to be proclaimed or published, any such Proclamations, Declarations, or Papers which are or shall be contrary to any Order, Ordinance, or Declarations of the said Houses of Parliament, or tending to the scandall or derogation of their proceedings, but shall use all lawfull ways and meanes to restraine and hinder the proclaiming and publishing thereof. And all Sheriffs, Majors, Bailiffs, Parsons, Vicars, and Curats, or other Officers that have forborn or refused, or shall forbear or refuse to publish or proclaim any such Proclamations, Declarations, or Papers as aforesaid, or have or shall hinder the publication thereof, shall be protected by the power and authority of both Houses of Parliament.

O Rdered by the Commons in Parliament, That this be forthwith Printed and published.

H. Elsing Cler. Parl. Dom. Com.

Die.

Die Lune, 4 Iulii, 1642.

IT is this day Resolved upon the Question by the Lords and Commons in Parliament assembled, That in case any force be brought out of one County into any other County of this Kingdom, to disturb the peace thereof; That the Lord Lieutenants and Deputy-lieutenants of the Counties adjoyning, upon notice given unto them of such disturbance, by the Lord Lieutenant or Deputy Lieutenants where such disturbance is made, be hereby required to give aid and assistance to the said other Lord Lieutenants and Deputy Lieutenants or any of them, so requiring the same, for the present suppressing of such force and disturbers of the peace, by Volunteers, and such of the Trained Bands of their severall Counties that shall voluntarily go to give their assistance.

H. Elsyng Cler. Parl. Dom. Com.

*His Majesties Speech
To the Knights, Gentlemen, and Freeholders of the
County of Nottingham, at Newark.*



GENTLEMEN,

YOur honest Resolutions and Affections to me and your Countrey, for the defence of my Person, and the Laws of the Land, have been, and are so notable, that they have drawne me hither onely to thank you: I go to other places to confirme and undeceive my Subjects, but am come hither onely to thanke and encourage you: You have made the best judgement of happinesse, by relying on that foundation, which the experience of so many hundred yeeres hath given such prooffe of, The Assurance and Security of the Law: and assure your selves when Laws shall be altered by any other Authority, then that by which they were made, your foundations are destroyed; And though it seemes at first but to take away my power, it will quickly swallow all your Interest; I ask nothing of you (though your demeanour gives me good evidence that you are not willing to deny) but to preserve your own Affections to the Religion and Laws established; I will justifie and protect those Affections, and will live and die with you in that quarrell.

His

